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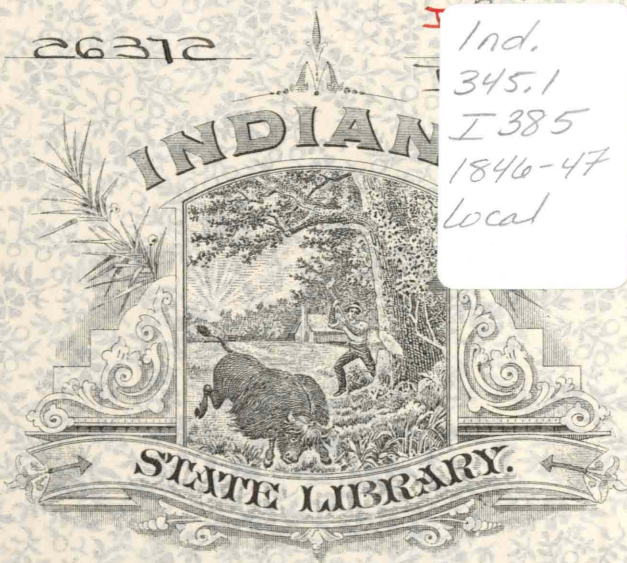
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1846-47

Local



April, 1895

Wm. A. Burford, Lith. 1002

LOCAL LAWS

9

OF

THE STATE OF INDIANA,

PASSED AT

THE THIRTY-FIRST SESSION

OF THE

GENERAL ASSEMBLY,

BEGUN ON THE FIRST MONDAY IN DECEMBER, 1846.

BY AUTHORITY.

INDIANAPOLIS:

J. F. CHAPMAN, STATE PRINTER.

1847.

26372.

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345.1

I 385

1846-1847.

Loc.

LOCAL LAWS.

CHAPTER I.

An Act granting to the citizens of the town of Evansville, in the county of Vanderburgh, a city charter.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the boundaries of the city of Evansville shall be the same as the boundaries of the present town of Evansville, omitting Goodsell's enlargement of said town, that is to say, the bounds of said city shall include all the territory embraced within the original plan of said town as the same is recorded in the recorder's office of War- rick county, and all the territory embraced within the following enlargements of said town, viz: The donation enlargement, the lower or McGary's enlargement, the upper enlargement, and the eastern enlargement, according to the plats of said several enlarge- ments, as made by the several proprietors of said enlargements, and recorded in the recorder's office of Vanderburgh county; and other territory may from time to time be annexed to and included within the bounds of said city as hereinafter provided.

SEC. 2. From and after the first Monday in April, A. D. 1847, the people residing in the territory mentioned in the first section of this act shall become and be a body politic and corporate, by the name, style, and title of "The City of Evansville," and in and by such name shall be able and capable in law and equity to contract and be contracted with, sue and be sued, complain and defend in any court of competent jurisdiction; they shall have power to make, have, and use a common seal, and the same to alter, destroy, and renew at pleasure; to take, purchase, hold, and convey such real and personal estate as the purposes of the corporation may require; to survey, mark, and establish the boundaries of said city, and all future enlargements of the same; to ordain, establish, enforce, and put in execution such rules, by-laws, ordinances, and regulations as shall be deemed proper and necessary for the good government of said city,

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April 1, 1855

and the well-being of the inhabitants thereof, and generally to do all other acts and things which the good of the inhabitants of said city may require, not inconsistent with the constitution of the United States, or the constitution and laws of this State, and consistent with the objects of the corporation.

SEC. 3. The powers of said corporation shall be vested in and exercised by a mayor and councilmen, to be elected by the qualified voters of said city, and such other and inferior officers, to be appointed by the common council, as are hereinafter named, or as may from time to time be appointed by the common council in pursuance of the rules, ordinances, and regulations to be made, ordained, and established as aforesaid.

SEC. 4. The territory in said city shall be divided into six wards, as follows, viz: All that part of said territory lying south and east of Walnut street shall be the first ward; all that part of said territory lying between Walnut and Locust streets shall be the second ward; all that part of said territory lying between Locust street and Main street shall be the third ward; all that part of said territory lying between Main and Sycamore streets shall be the fourth ward; all that part of said territory lying between Sycamore and Vine streets shall be the fifth ward; and all that part of said territory lying north and west of Vine street shall be the sixth ward; and each ward shall be represented by one councilman, who shall reside therein, and shall be elected by the qualified voters of such ward.

SEC. 5. The mayor shall be elected by the qualified voters of the whole city, and shall hold his office for the term of three years from the date of his election, and until his successor shall be elected and qualified, except where he is elected to fill a vacancy, in which case he shall hold his office until the expiration of the term for which his predecessor was elected, and until his successor is elected and qualified; and a councilman shall hold his office for the term of one year, and until his successor is elected and qualified, except where he is elected to fill a vacancy, in which case he shall hold his office until the expiration of the term for which his predecessor was elected, and until his successor is elected and qualified: No person shall be eligible to the office of either mayor or councilman unless he is a freeholder of said city, and a qualified voter therein: The common council may provide by ordinance for the payment of a stated salary to the mayor and councilmen: *Provided*, That for the first year after the organization of the corporation under this act, the salary of the councilmen shall not exceed fifty dollars each, nor that of the mayor one hundred and fifty dollars, in addition to his fees as a judicial officer; nor shall any ordinance increasing the stated salary of councilmen take effect until after the next general election of councilmen after the passage thereof.

SEC. 6. All elections shall be by ballot, and all elections (except elections to fill vacancies) shall be held on the first Monday in April, annually: A poll shall be opened in each ward for the reception of votes, and every free white male citizen of the age of

twenty-one years, who has resided in this State one year, and in the said city six months, and in the ward in which he offers his vote one month next preceding such election, shall be entitled to a vote in the ward in which he resides, and not in any other ward.

SEC. 7. Each qualified voter, according to the next preceding section of this act, shall be entitled to vote once and no more at each election, in his own ward: And if any person being under the age of twenty-one years shall vote or attempt to vote, or if any person shall vote or attempt to vote more than once, or shall knowingly vote or attempt to vote for a councilman in a ward in which such person has not been a bona fide resident for one month next preceding such election, or shall designedly hand in two or more tickets folded together, or shall otherwise fraudulently vote, at any election to be held in said city, or any ward thereof, every person so offending shall for every such offence forfeit and pay any sum of money not exceeding fifty dollars, to be recovered in an action of debt or case, in the name of the city of Evansville, and for the use and benefit of said city, before any court of competent jurisdiction; and every person against whom judgment shall be rendered in any such action, shall be incapable of voting or being elected to any office at any city election for three years next after the rendition of such judgment.

SEC. 8. The polls for all elections shall be opened between nine and ten o'clock, A. M., and continued open until four o'clock, P. M., and closed before five o'clock, P. M., of the same day.

SEC. 9. Every ticket handed in shall contain the name of every person intended to be voted for, either written or printed, and designate the office to which such person named is intended to be elected; and if any ticket designates more than one person as voted for for the same office, as to that office such ticket shall not be counted; but no ticket shall be lost for the want of form, if the judges and inspectors of the election can satisfactorily ascertain, from an examination of the ticket, the person voted for and the office intended.

SEC. 10. It shall be the duty of the common council to designate some particular place in each ward for holding elections, which place may be changed from time to time as the common council may think proper: It shall also be the duty of the common council annually to appoint for each ward in said city from among the qualified voters of such ward an inspector of elections, who shall hold his office until a successor is appointed, and whose duty it shall be on every day when an election is to be held, to attend at the proper place for holding elections in his ward, and take to his assistance, previous to opening the polls, two qualified voters of his ward, who, together with himself, shall constitute the judges of the election then about to be held in such ward, which judges shall appoint two suitable persons clerks of said election; and said inspector, judges, and clerks shall, before entering upon the discharge of their duties, take an oath (which may be administered by the inspector to the judges and clerks, and by one of the clerks to the inspector) faithfully and impartially to discharge the duties assigned them.

SEC. 11. Should the regular inspector of any ward fail to attend and open the polls by ten o'clock, A. M., of any day on which an election is to be held in his ward, or if after having opened the polls he should for any cause be unable to remain and continue to discharge his duties as inspector, then it shall be lawful for the qualified voters of such ward present to appoint viva voce, and by a plurality of voices, an inspector for the occasion, who shall be governed in all things by the same rules as the regular inspector.

SEC. 12. It shall be the duty of the clerk of the common council, before the day of election, to make out, and on request to deliver to the inspector of each ward, a poll book for such ward, together with suitable tally papers: Every election shall be held at the particular place in each ward designated by the common council; and before receiving any votes, the inspector shall proclaim or cause it to be proclaimed aloud, without the house, that the polls are opened: The polls being opened, the judges and inspector shall proceed to receive the votes, and when a vote is presented, the inspector shall call out the name of the voter, and if there be no objections, and he be a qualified voter, the inspector shall receive his ticket, and in the presence of the other judges put it into the ballot box, and the clerks of said election shall record the name of every person voting, upon their respective poll books, numbering the names of the voters consecutively as their votes are given.

SEC. 13. If any inspector or judge of any election shall receive at such election the vote of any person who is known to such inspector or judge not to be a qualified voter, or if any judge, inspector, or clerk shall attempt to pry into or find out the name or names of any person or persons on any folded ticket prior to putting it into the ballot box, or expose such ticket to the inspection of any other person, or place any mark on it with a view to identify it afterwards, he or they so offending shall for every such offence forfeit and pay the sum of one hundred dollars, to be sued for and recovered in an action of debt or case, in the name and for the use of the said city of Evansville.

SEC. 14. If any doubt arise as to the right of any person to vote, it shall be settled by the judges and inspector, who, in order to do so, may examine other witnesses, as well as the person offering his vote, or either, at discretion; the witnesses and the voter so examined being first sworn by the inspector, who, when any person is sworn in relation to his own qualification to vote, shall administer to him the following oath: "You do solemnly swear (or affirm) that you are, to the best of your knowledge, information, and belief, not less than twenty-one years of age, that you have resided in this State one year, in this city six months, and in this ward one month next preceding this time, and that you have not voted at this election;" and any person who shall be sworn by the inspector, as in this section mentioned, and shall swear falsely and corruptly, shall be deemed guilty of perjury, and upon conviction thereof shall be punished accordingly.

SEC. 15. When the polls are closed, the inspectors and judges shall proceed to canvass and estimate the votes given: The canvass shall be public, and shall be commenced by a comparison of the poll books or lists, and a correction of any mistakes found therein, until they shall be made to agree; the tickets shall then be counted unopened, except so far as to ascertain that two or more tickets have not been handed in folded together, and if two or more tickets are found folded together or attached to each other in such manner as to present the appearance of but one ticket, and the inspector and judges are clearly of the opinion that the same were handed in as one ticket, they shall be rejected and destroyed; then, if the tickets shall be found to exceed in number the whole number of voters whose names are on the poll books, they shall be replaced in the ballot box and thoroughly shaken, and then one of the judges shall publicly draw out and destroy so many unopened tickets as shall be equal to the excess: The tickets and poll books being found or made to agree, the tickets shall then be taken out one by one by the inspector, who shall open them and read aloud the name of each person on each ticket, and the office for which such person is voted for, and shall then hand it to one of the judges, who shall string it on a thread: As the inspector reads the tickets, each clerk shall mark on a tally paper the votes each individual shall receive and the office he is voted to fill.

SEC. 16. When the votes are all counted and read off as aforesaid, the inspector shall declare the person who has received the greatest number of votes for councilman duly elected councilman for that ward, and shall make and deliver to him a certificate to that effect, signed by the inspector and attested by both the clerks: But should two or more persons be found to have received an equal and the highest number of votes, then the inspector and judges shall determine by lot, in a fair and impartial manner, who of such persons shall be the councilman, and give him a certificate as aforesaid.

SEC. 17. In cases of election for mayor, the inspector and judges of each ward shall make out and sign a certificate stating in words at full length the names of the several persons voted for for mayor, and the number of votes received by each, which certificate shall be placed in the hands of one of the judges or the inspector who have signed the same; and on the Wednesday next succeeding such election, between ten o'clock, A. M., and three o'clock, P. M., the judges or inspectors of the several wards holding such certificates, shall meet at the court house in Evansville, or such other place as may be designated by the common council, and compare their several certificates, and the person having the highest number of all the votes given according to said certificates shall be declared duly elected mayor, and the said judges and inspectors shall give him a certificate accordingly; but should two or more persons be found to have received an equal and the highest number of votes, it shall be the duty

of the inspectors and judges convened as aforesaid, to determine by lot who of such persons shall be mayor, and give him a certificate of his election under their hands as aforesaid.

SEC. 18. The judges of every election shall complete the canvass of votes, and make out the certificates hereinbefore required to be made, by four o'clock, P. M., of the day next succeeding the day of the election; and the certificate of the election of councilman shall be delivered to him or left at his usual place of residence within three days thereafter: Within the same period the inspector of each ward shall leave one of the poll books and tally papers of his ward with the clerk of the common council, to be by him filed and preserved; and the other poll book and tally paper, with the tickets, shall be kept and preserved by the inspector for the term of three months, subject at all reasonable hours of every day to the inspection of any voter of the city wishing to examine the same.

SEC. 19. No qualified voter of the city shall be arrested within the city on the day on which an election is held in his ward, except for a crime or misdemeanor against the laws of the State, or an offence against the penal laws, ordinances, or regulations of the city, made or ordained by the common council by authority of this act.

SEC. 20. If any person shall use any threats, force, or violence, or attempt to awe, or by any other means restrain any voter in his freedom of choice, or if any person shall give any bribe, fee, or reward, in meat, drink, or otherwise, in order to induce any voter to vote contrary to his inclination, or shall on the day of election give any public treat in meat or drink, or direct any person to do so in his behalf with a view to obtain any vote or votes for himself or any other person or persons, every person so offending shall forfeit and pay any sum not less than fifty dollars nor more than one hundred dollars to be recovered in an action of debt or on the case, in the name and for the use of the city of Evansville, before any court of competent jurisdiction.

SEC. 21. If any judge, inspector, or clerk of an election, having taken upon himself the performance of the duties herein required of him, shall wilfully or fraudulently neglect or refuse to discharge the same, or shall be guilty of any fraud or corruption in doing such duties, he shall forfeit and pay any sum of money not exceeding one hundred dollars for every such wrongful act of commission or omission, to be sued for and recovered in an action of debt or on the case, in the name and for the use of the city of Evansville, before any court of competent jurisdiction.

SEC. 22. The common council shall cause a sufficient number of ballot boxes to be provided and deposited with the clerk, who, when an election is about to take place, shall deliver one of said boxes to the inspector of each ward, who, after the election is concluded, shall return the same to the clerk at the same time he delivers to the clerk the poll books and tally papers.

SEC. 23. Every mayor and councilman before entering upon the

discharge of his duties as such, shall take an oath before some competent authority faithfully and impartially to discharge his duties, which oath shall be certified on the certificate of his election.

SEC. 24. The mayor and councilmen elected and qualified as herein required shall constitute the common council of the city of Evansville, but a majority of the whole number of councilmen shall be at all times necessary to constitute a quorum for the transaction of business: They shall be judges of the election returns, and of the qualifications of their own members; shall determine the rules of their own proceedings, and keep a record thereof, which shall be open to the examination of every citizen, and may compel the attendance of absent members of the council, in such manner and under such penalty as they shall by by-law or order establish and prescribe: The mayor, when present, shall preside at all meetings of the common council, and in case of a tie on any question or proposition, shall give the casting vote, except that in making laws and ordinances he shall have no vote, under any circumstances nor in any other case, except where there is a tie: In the absence of the mayor, the councilmen shall elect one of their own body to preside for the time being, who, as president, shall possess the same power as the mayor, while acting in that capacity, and the additional power of voting on all questions, whether there is a tie or not.

SEC. 25. It shall be lawful for the mayor and common councilmen, respectively and individually, at any time after being elected and qualified as aforesaid, to enter upon their respective duties: *Provided*, That if any mayor or councilman elect shall fail, for the space of thirty days after his election, to qualify himself to enter upon the discharge of his duties, such neglect shall be deemed and taken to be a refusal to qualify and a renunciation of the office to which he was elected.

SEC. 26. The common council shall annually meet on the second Monday in March, and at such other stated times as by resolution, by-law, or ordinance they shall appoint, and meetings of the common council may be called at any time by the mayor, or in his absence by a majority of the councilmen, and the common council when met, may adjourn as well to any other time as to the regular time for a stated meeting, but in all cases of called meetings, notice thereof shall be given to each councilman in writing, personally served, if practicable, or left at his usual place of residence: *Provided*, That where a meeting is called by the councilmen, it shall not be necessary to notify the councilmen calling the same: If a quorum of councilmen do not attend at any time and place appointed for a meeting, whether regular or called, it shall be the duty of the clerk to adjourn such meeting from day to day, until a quorum shall attend, or to the next regular time of meeting, or to any particular time prior thereto, as circumstances may require: The common council shall keep a full and fair record of all their proceedings, and for this purpose shall appoint some person not of their body a clerk, who, before entering upon the discharge of his duties as such, shall take an

oath of office, and give bond, with security to the acceptance of the common council, to secure the proper performance of his duties: The clerk shall attend all meetings of the council, and make and keep a record of their proceedings; and the minutes of the proceedings of each meeting being recorded, shall be read over in the presence of the council, and if incorrect, corrected, and when found correct, made so, shall be signed by the mayor, or other presiding officer of the meeting, and attested by the clerk, or other person acting as such.

SEC. 27. It shall also be the duty of the clerk to safely keep and preserve all records, books, and papers belonging to the city of Evansville, and appertaining to or deposited in his office, entire and without injury or mutilation, and to hand them over, together with all other property of said city in his hands, to his successor, and to do and perform all other things and duties that he may be required to do by the by-laws, ordinances, rules, and regulations to be passed, ordained, and established by said common council: This act shall be deemed and taken to be a public act, and as such may be read as evidence in any court, without being pleaded or particularly referred to in pleading; and the printed by-laws and ordinances passed and ordained by said common council, and purporting to be printed by the order and under the authority of said common council shall be received and read in all courts as *prima facie* evidence, without being specially pleaded or referred to in pleading; and transcripts of the records and proceedings of the said common council, certified by the mayor, under the corporate seal, shall be evidence in all courts, in like manner as the original would be, without other proof or authentication than such certificate and seal.

SEC. 28. The mayor and each councilman shall present to the clerk, at the first meeting of the common council they may attend after being elected, their certificates of election, which, with the indorsements of qualification thereon, endorsed, shall be spread at full length upon the records.

SEC. 29. If the mayor shall remove from and reside out of the city, except temporarily, and not exceeding six weeks at one time, his office shall thereby become and be vacant; and if any councilman shall remove from and reside out of the ward which he was elected to represent, except temporarily, and not more than six weeks at one time, his office shall thereby become and be vacant; and in case of a vacancy by death, removal, resignation, or refusal to qualify, or any other means whatsoever, in the office of mayor or councilman, such vacancy shall be filled by a special election, to be held at such time as shall be appointed by the common council, of which due public notice shall be given by publication in a newspaper, or in such other manner as the common council shall order, and such special election shall be conducted in all respects as regular annual elections.

SEC. 30. The common council shall have the control and management of the finances, and of all the property, real and personal,

belonging to said city, and shall have full power and authority for and within said city, to make, establish, publish, alter, modify, amend, and repeal, by laws, ordinances, rules, and regulations, for the following purposes and on the following subjects, to-wit:

First. To restrain and prohibit all kinds of gaming, and every kind of fraudulent or immoral practice or device within said city:

Second. To restrain and prohibit the selling or bartering of any spiritous liquors, or ardent spirits, or beer, porter, ale, cider, or wine drank in or about the house, store, shop, grocery, out-house, yard, or garden of the person selling the same, unless licensed to do so according to the by-laws and ordinances passed and ordained by said common council:

Third. To restrain and prohibit the selling, bartering, or giving away of any ardent spirits or intoxicating liquors to any person already intoxicated, or who may be known to be in the habit of getting drunk, or to any person less than twenty-one years of age, without the consent of his or her parent, guardian, master, or mistress:

Fourth. To prohibit all shows, exhibitions, and amusements which, in the opinion of the said common council, are demoralizing to society, or calculated to detract from the peace and good order of said city:

Fifth. To prevent drunkenness in the streets, public indecency, and riot, noise, disorder, disturbance, and disorderly assemblies:

Sixth. To suppress and restrain disorderly houses of all kinds, whether taverns, groceries, coffee houses or any other kind of house, houses of ill fame, billiard, and other gaming tables, nine or ten pin alleys, and ball alleys, and to authorize the demolition and destruction of all instruments of gaming:

Seventh. To compel the owner of any piece of ground, grocery, tallow chandlery, soap factory, tannery, stable, barn, privy, slaughter house, sewer, or other place, to cleanse the same from time to time, as often as may be deemed necessary for the health, comfort, or convenience of the inhabitants of said city, and to remove, abate, or destroy the cause which renders such house or place unhealthy or uncomfortable:

Eighth. To direct the location of all powder houses, slaughter houses, tallow chandlers' shops, soap factories, distilleries, and all other houses, factories, and shops that may detract from the health or comfort of the inhabitants of said city, and if thought necessary, to prohibit altogether the erection or continuance of all or any such shops, factories, houses, and establishments within the limits of said city:

Ninth. To regulate the keeping and conveying of gun powder, and all other combustible and dangerous materials, and the use of candles and lights in barns and stables:

Tenth. To prevent horse racing and immoderate riding or driving of horses or other animals in the streets, and to prohibit persons having the charge of horses or mules from leaving them in the streets while in gears, without first unfastening or unhitching the chains, traces, or yoke by which they draw or hold up the tongue or shafts of

the dray, wagon, cart, sled, carriage, buggy, hack, coach, gig, or other vehicle or carriage, to which any such horse or mule may be hitched or attached, or without by some other means securing such horses or mules so that they cannot run away with any such vehicle or carriage:

Eleventh. To prevent the encumbering of the streets, lanes, alleys, side walks, wharves, landings, market places, and public grounds and buildings with carriages, drays, carts, boxes, barrels, lumber, timber, fire wood, coal, or any other substance or material whatsoever, and to prohibit persons from trespassing upon or injuring public grounds and buildings, and from riding, leading, hauling, or driving animals, wagons, carts, drays, carriages, and other things upon, along, or across side walks, or in any other manner injuring the same, and from digging up the streets, alleys, lanes, landings, wharves, and public commons, or in any other wise unnecessarily injuring the same.

Twelfth. To regulate and determine the times and places of bathing and swimming in the Ohio river, in Pigeon creek, and in the canal, and to prohibit bathing and swimming in the Ohio river opposite said city, and within one half mile above and below the limits thereof, and in Pigeon creek within half a mile of the limits of said city, and in the canal within said city and within half a mile beyond the limits thereof, if the common council shall deem it proper to prohibit the same:

Thirteenth. To restrain and punish vagrants, mendicants, street beggars, and common prostitutes:

Fourteenth. To restrain, regulate, or prohibit the running at large of cattle, horses, swine, sheep, goats, geese, ducks, turkeys, chickens, and other animals, and to authorize distraining, impounding, and selling the same for the penalty incurred and costs of proceeding:

Fifteenth. To prevent, restrain, and regulate the running at large of dogs and bitches, and to authorize the destruction of the same when at large contrary to the by-laws or ordinances of the city:

Sixteenth. To prohibit all persons from bringing, depositing, or keeping within the limits of said city, or within one half mile thereof, any dead carcass or other offensive or unwholesome substance, and to require and compel the destruction or removal thereof by any person who shall be the owner thereof, or by his own act or consent have the same upon or near his premises, whether the same be a dead animal, or any part of one, putrid or unsound beef, pork, hides, fish, or skins of any kind, or other unsound or unwholesome substance whatever, and on the default of such person to authorize the destruction or removal thereof at his expense by the proper officer or person:

Seventeenth. To prohibit the rolling of hoops, flying of kites, playing at ball, or long bullets, shooting, or using fire arms or fire crackers, or unnecessarily using any other thing, instrument, or practice having a tendency to annoy, or endanger, or injure, or destroy persons or property within said city, or to frighten teams or horses within said city:

Eighteenth. To compel all persons to keep the snow, mud, ice, and dirt, and trash of all kinds off the side walks, and to clean and

keep clean the gutters and streets in front of, and the gutters and alleys in the rear of the premises by them occupied or owned:

Nineteenth. To prevent the disorderly blowing of horns, ringing of bells, crying of goods, or other things, and all other unnecessary noises to the disturbance of the citizens:

Twentieth. To abate and remove nuisances, and to declare what shall be deemed nuisances, and punishing by suitable penalties the person or persons causing or continuing the same, or suffering the same to remain on his, her, or their premises, or both abate and punish, at discretion; and for the purpose of declaring what shall be deemed nuisances, and abating the same, or causing and compelling the same to be abated, and punishing persons for causing, continuing, or suffering the same as aforesaid, the common council shall have jurisdiction over both land and water one mile beyond the limits of the city in all directions:

Twenty-first. To restrain and regulate carriers and runners to and from steam boats, canal boats, and stages:

Twenty-second. To regulate and license drays, wagons, carts, hacks, and carriages which may be kept in said city to be hired or used for hire or reward:

Twenty-third. To ascertain by survey, and mark and establish the boundaries and limits of said city, and all enlargements thereof, and of the streets, alleys, blocks, and lots therein:

Twenty-fourth. To regulate the burial of the dead, to purchase and provide common burying grounds, hearses, and other things necessary to burial, and appoint one or more sextons, and prescribe his or their duties:

Twenty-fifth. To provide for the keeping of bills of mortality, and returning the same at times and places appointed for that purpose, and to impose suitable fines or penalties on physicians, sextons, and others for any default in keeping or returning the same:

Twenty-sixth. To regulate gauging, the place and manner of selling and weighing hay, the place and manner of selling and measuring or weighing wood for fuel, lime, and coal, and to appoint suitable persons to superintend and conduct the same:

Twenty-seventh. To regulate the quality of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto:

Twenty-eighth. To make, establish, and regulate public wells, cisterns, reservoirs, and pumps, and to prevent the unnecessary waste of water:

Twenty-ninth. To provide for the furnishing of the said city and the inhabitants thereof with water:

Thirtieth. To establish and regulate public pounds:

Thirty-first. To prevent the firing of guns, pistols, and all other fire arms and fire works within said city:

Thirty-second. To prohibit and prevent the erection of wooden buildings in such parts of said city as they may think proper:

Thirty-third. To erect and establish market houses, market places, a hospital, a council house, a city jail, engine houses, and houses for

common schools, and to regulate and govern, and from time to time enlarge, repair, remove, and re-build the same, or build new ones, and to prescribe rules and regulations for the use and management thereof; and to prescribe the time and manner of vending produce and provisions in such market houses and market places, and to prohibit the sale, by retail, of meat, vegetables, eggs, butter, chickens, turkeys, geese, ducks, and other fowls during market hours at any other place than the market houses and market places so established and erected:

Thirty-fourth. To restrain and prevent forestalling and regrating.

Thirty-fifth. To prevent and guard against damage by fire; to purchase fire engines and fire apparatus; to organize fire companies, and regulate and govern the same, and to prescribe and regulate the duty and conduct of the members of fire companies, and of other persons, in relation to fires, and property removed into the streets or elsewhere, to prevent its destruction by fire:

Thirty-sixth. To regulate the general police of said city:

Thirty-seventh. To compel the attendance of the members of the common council; to appoint all officers and agents they may deem proper or necessary to carry into full effect the powers hereby conferred, and to prescribe their powers and duties, and to require them, or any or either of them, to give bond with security for the faithful discharge of such duties; and all officers and agents so appointed shall hold their offices during the pleasure of the common council:

Thirty-eighth. To regulate, and establish, and provide for the payment of the fees and salaries of all officers and agents by them employed:

Thirty-ninth. To regulate the streets, alleys, and side walks, and all improvements and repairs thereof; and the said common council shall have the exclusive right and power of taxing persons residing in said city, and real and personal property situated therein, for the purpose of making such improvements and repairs, whether such improvements or repairs consist of grading, paving, ditching, or any thing else; and no person residing in said city shall be compelled or required to work on any road without the city, nor shall any property lying or being within the city be taxed for the purpose of making, opening, improving, or repairing any road or bridge without the limits of said city: *Provided*, That nothing herein contained shall prevent the board of commissioners of Vanderburgh county from making such appropriations of the revenue of the county as are or may be authorized by law for the building, purchase, or repair of bridges, either within or without said city:

Fortieth. To take stock in any chartered company for making roads to said city, or for watering said city, and in any company authorized or empowered by the board of commissioners of Vanderburgh county to build a bridge on any road leading to said city; and to establish, maintain, and regulate ferries across the Ohio river from the public wharves of said city: *Provided*, That no stock shall be subscribed or taken by the common council in any such company, unless

it be on the petition of two-thirds of the residents of said city, who are free holders of the city, distinctly setting forth the company in which stock is to be taken, and the number and amount of shares to be subscribed: *And provided also*, That in all cases where such stock is taken, the common council shall have power to borrow money and levy and collect a tax on all real estate (either inclusive or exclusive of improvements, at their discretion,) for the payment of said stock:

Forty-first. To borrow money for the use of the city of Evansville:

Forty-second. To lay out, open, and make new streets and alleys, highways, and wharves, and to alter, contract, widen, or discontinue any street, alley, or public wharf now made or hereafter to be made in said city, subject to the rules and regulations hereinafter contained:

Forty-third. To prohibit or permit, and regulate the sale of horses and other animals, and merchandise, and all other kinds of property, real or personal, at auction in the streets, stores, shops, or elsewhere within the city, and to appoint and license auctioneers, and regulate their conduct:

Forty-fourth. To regulate all wharves on the shore of the Ohio river, in front of or adjoining said city, whether the same be public or private, and the amount of wharfage to be charged at or for the use of the same:

Forty-fifth. To levy and collect a revenue for the use of the city of Evansville, in the manner hereinafter prescribed:

Forty-sixth. To prevent injuries to the inhabitants of the said city, or their property, from thieves, robbers, burglars, and all other persons violating the public peace:

Forty-seventh. To establish a board of health for said city, and to invest it with such powers and impose upon it such duties as may be deemed necessary or proper to preserve the health of said city, and to secure the inhabitants thereof from the evils, distress, and calamities of contagious, infectious, or malignant diseases, by the adoption and execution of such rules, orders and regulations as may be deemed by such board of health proper to prevent the commencement, continuance, or spread of any such disease; to provide for the proper organization of such board of health, and the election or appointment of the officers thereof, and to make such by-laws and rules for its government and support, as shall be required for the prompt performance of its duties and the lawful exercise of its powers:

Forty-eighth. To establish, organize, and maintain a city watch and define the powers and prescribe the duties thereof:

Forty-ninth. To regulate all taverns, groceries, coffee houses, and ale and porter shops, houses, and cellars, and all other houses and places where beer, ale, porter, wine or cider is sold by retail, or where spiritous liquors are sold by a less quantity than a quart, and all other houses of public entertainment in said city, and all theatrical exhibitions and concerts, and all exhibitions of whatever name or nature, to which admission is obtained by the payment of money, or any other reward; and to regulate all ferries across the Ohio river from said city, or from in front thereof to the opposite shore:

Fiftieth. The said common council shall have the exclusive power to grant licenses to tavern keepers, inn keepers, retailers of spiritous liquors by a less quantity than a quart, keepers of ale, porter, cider, and wine shops, houses, and cellars, and all other houses and places of public entertainment; and showmen and keepers and managers of theatrical exhibitions, concerts, menageries, circuses, and all other exhibitions for money or other reward; and auctioneers, keepers of ferries across the Ohio river, from or from in front of said city; and persons vending, at retail, goods, wares, merchandize, or personal property of any kind or description, at or upon boats or water crafts of any kind, lying in the canal within said city, or in the Ohio river between said city and the middle of said river, whether such boat or water craft be resting upon or in anywise fastened to the shore or bottom of the river, or floating and anchored, or otherwise made stationary in the river; and in granting such licenses as by this act the common council are authorized to grant, said common council shall charge such sum or sums of money as they may think fit and reasonable, and annex to such licenses such terms and conditions as in their opinion the peace, good order, and general interests of the city may require, and if any person so licensed shall be convicted of violating any such condition, or suffering it to be done by any person in his employ, whether such conviction be upon information and proceedings had thereon to prove and establish such violation only, or in an action brought to recover the penalty prescribed for such violation, the mayor or other officer acting as such, shall have full power and authority to suspend, for a limited time, or wholly annul such license, and enter up judgment accordingly:

Fifty-first. To regulate and prescribe the manner of the construction of chimneys, fire places, stove pipes, and hearths, and to compel the alteration of such as are improperly constructed; and to make and enforce all such rules, by-laws, and ordinances as may be proper or necessary to prevent the destruction of property by the careless or improper use of fire and lights, or by improperly or carelessly placing hay or any other highly combustible substance so near to a chimney, fire place, or stove, or other place where fire is kept or used, as to make it liable to be burned; and in order to enforce such rules, by-laws, and ordinances, the common council shall have power to appoint fire wardens, and define their powers and prescribe their duties.

SEC. 31. Obedience to and observance of all rules, by-laws, ordinances, and police regulations made in pursuance of this act, shall be enforced (except as herein otherwise provided) by imposing suitable penalties upon the person or persons violating the same, to be recovered, together with the costs of suit, in an action of debt or an action on the case, in any court of competent jurisdiction.

SEC. 32. Unless otherwise provided by the common council, every ordinance, by-law, or police regulation of a general nature, or affecting the whole city, or relating to the conduct of the people generally, and imposing any penalty or forfeiture for a violation of its provisions,

shall take effect and be in force from and after its publication in a newspaper printed and published in the city; but until it is so published at least once, no such ordinance, by-law, or regulation shall under any circumstances take effect or be in force, and the affidavit of the printer or publisher of any such newspaper, made before any officer authorized to administer oaths, and filed with the clerk of the common council, shall be sufficient evidence of the fact of such publication and the time, place, and manner thereof, and the common council shall cause to be entered on their record, at the conclusion of each and every such ordinance, a statement of the fact that the same has been published as aforesaid, and the time of such publication, and the printed statement, immediately after the title or at the conclusion of any such ordinance, by-law, or regulation purporting to be printed by authority of said common council, of the fact that the same was published, and took effect, or was in force at a particular time, shall be prima facie evidence in all courts of such publication and the time such by-law, ordinance, or regulation took effect: All other laws, ordinances, rules, regulations, and orders shall take effect and be in force from and after their passage, unless otherwise directed by the common council.

SEC. 33. All actions brought to recover any penalty incurred under this act, or the ordinances, by-laws, rules, and regulations made in pursuance thereof, shall be brought in the name of "The City of Evansville," and all fines and penalties, when collected, shall be paid into the treasury of said city: The first process in every such action shall be a warrant or capias, commanding the proper officer to arrest the defendant or defendants in such action, and bring him, her, or them forthwith before the mayor, or such other person as may at the return of such writ be acting as mayor, then and there to answer the charge made against such defendant or defendants in such action: The trial of any such action may be postponed, if justice require it, but in such case the defendant may be required to give bail in a reasonable sum to appear at the time and place appointed for the trial, and not depart without leave, and in default of giving such bail when required as aforesaid, the defendant shall be committed to prison by order of the mayor or other officer acting as such, there to remain until the time fixed for the trial, unless before that time such bail be given: The bail bond or recognizance to be taken for the appearance of every such defendant shall be taken and approved by the mayor or other person acting as such, and shall be made payable to the city of Evansville, and the money therein specified may be sued for and recovered in the name and for the use of said city, if the condition or conditions thereof shall be broken: Where judgment is entered against any defendant for any penalty or forfeiture above in this section specified, it may be made a part of the judgment that the defendant stand committed until the judgment and costs are paid or replevied, and the defendant shall be committed to prison accordingly, or judgment may be entered and execution enforced as in ordinary actions of debt or assumpsit before

justices of the peace, and all such judgments on the mayor's docket may be replevied by giving sufficient security to the satisfaction of the mayor or other person acting as such, in the same manner that judgments in civil cases on the dockets of justices of the peace are or may be replevied, and after the stay of execution has expired, such judgments may be collected upon execution in like manner as justices' judgments are or may at the time be collected.

SEC. 34. No person shall be incompetent as a judge, juror, or witness in any action in which said city is a party or interested, by reason of such person's being an inhabitant, citizen, or freeholder of said city.

SEC. 35. For the purposes of revenue, the common council shall have power to levy and cause to be assessed and collected, once in each year, an ad valorem tax upon all property, real and personal, within said city, and on all money and capital within said city, which is or may be subject to taxation for county purposes, whether such money or capital be actively employed or not, and on all money bearing interest and payable to any inhabitant of said city; and also a poll tax of not exceeding one dollar upon every male inhabitant of said city of the age of twenty-one years or upwards, and sane, and not a public charge as a pauper; also, a specific tax on dogs and bitches: *Provided*, That such ad valorem tax shall not exceed three-fourths of one per cent. upon the value of the property, capital, or money taxed: *Provided, also*, That in assessing such tax, the improvements, or parts thereof, on real estate, may be included or excluded, at the discretion of the council, and a portion of said revenue and all or part of the penalties to be collected under this act and the laws and ordinances made in pursuance of it, may be appropriated at the discretion of the common council, for the support of common schools within said city.

SEC. 36. After the second Monday in April and before the first Monday in May (or as soon thereafter as it can conveniently be done) in each year, the common council of said city shall appoint an assessor, who, before entering upon the discharge of his duties shall take an oath to truly, faithfully, and impartially discharge his duties as assessor, and also give a bond, with freehold security, payable to the city of Evansville, and conditioned for the faithful discharge of such duties, which bond shall be to the satisfaction of and approved by the common council: *Provided*, That the common council may appoint more than one assessor if they deem it expedient to do so; and if more than one assessor be appointed, they shall act either in conjunction or severally, as the common council shall order or direct.

SEC. 37. It shall be the duty of the assessor or assessors to proceed forthwith to make out a full and fair list or lists of all persons, and all real and personal estate, and all polls to be taxed, placing the names of persons in alphabetical order, setting opposite the name of each person the value of his or her personal estate subject to taxation, according to the thirty-fifth section of this act, and also a description of all lots and parts of lots owned or claimed by such

person, and the value thereof, including improvements thereon, unless otherwise directed by the common council: He shall also, unless otherwise directed as aforesaid, make out a separate list of such of the following things as are taxable or required to be licensed according to the orders or ordinances of said common council, placing the names of the owners, keepers, or managers thereof in alphabetical order, and placing opposite the name of each those things for which he or she is liable to pay a tax or procure a license, that is to say: All dogs and bitches, carts, wagons, drays, hacks and carriages, taverns, inns, groceries, and other houses and places where spiritous liquors are sold by a less quantity than a quart, ale, porter, cider, beer, and wine shops, houses, and cellars, and other houses and places of public entertainment, shows, menageries, circuses, theatres, concerts, and other exhibitions for money or other reward, ferries, and boats or water crafts lying in the Ohio river or on the shore thereof, or in the canal, on or at which merchandise or personal property of any kind is sold at retail; which list shall be appended to and returned with the assessment roll; and the said assessment roll and list shall be completed and returned by the assessor to the clerk of the common council by the first Monday in July next after the appointment of such assessor, unless further time be given him by order of the common council.

SEC. 38. In order to ascertain the value of the personal estate taxable as herein before provided, it shall be the duty of the assessor to require each person owning, possessing, or controlling the same, to state to him, under oath, in writing or orally, (at his discretion, or as shall be ordered or required by the common council or their ordinances) the value of each several kind or species of personal estate taxable as aforesaid, and belonging to, possessed, or controlled by such person, according to the best of his knowledge, recollection, and belief; which oath such assessor is hereby authorized to administer; and any person who shall knowingly and wilfully swear falsely when so sworn by any such assessor, shall be deemed guilty of perjury, and on conviction thereof shall be punished accordingly; and in case any person shall fail or refuse when called on for that purpose, to state to the assessor, under oath as in this section provided, the value of the personal estate taxable as aforesaid, and owned, possessed, or controlled by such person, it shall be the duty of the assessor to affix, from the best information he can get, a fair valuation of the personal estate owned, possessed, or controlled by such person, and the valuation so fixed may be increased by the common council, but they shall not decrease it, unless it shall appear that the assessor has intentionally and knowingly fixed such valuation too high.

SEC. 39. The value of personal estate fixed under oath by the person owning, possessing, or controlling the same, as provided in the thirty-eighth section of this act, shall be final and conclusive: Where any person owning, possessing, or controlling personal estate is absent and cannot be found and required to state the value thereof under oath, the assessor shall fix the value thereof, according to the

best information he can get, and the value so fixed may be altered by the common council, either by increasing or decreasing it, if they think it incorrect, and the assessor shall note on the assessment roll, opposite the names of such absent persons, the fact of such absence, and opposite the names of persons owning, possessing, or controlling personal estate which has been valued by the assessor in consequence of the refusal to swear to the value thereof, the fact of such refusal, in order that the common council may know the personal estate, the value of which they may alter.

SEC. 40. After the return of the assessment roll or rolls, and by the third Monday in July in each year, if such roll or rolls have been returned in time, (and if not, then as soon thereafter as practicable,) the common council shall fix the rate of tax to be levied on real and personal estate, and polls, dogs and bitches, and the amount to be charged for licenses of all kinds.

SEC. 41. It shall be the duty of the clerk of the common council to calculate and carry out on said assessment roll or rolls, the amount of tax chargeable against each person named therein, and against each piece of property listed to persons unknown, according to the rate fixed in pursuance of the fortieth section of this act, and within one month after the rate of taxation is fixed as provided in said fortieth section, said clerk shall make out and deliver to the collector a complete copy or duplicate of such assessment roll or rolls, and also of the list of persons taxable for dogs, bitches, and licenses, to which shall be annexed a precept, signed by the mayor, with the corporate seal of the city annexed thereto, commanding the collector to collect and make the taxes in such duplicate specified, by distraining and selling the goods, chattels, lands, and tenements of each person therein named, for the taxes charged against such person, including the taxes on dogs and bitches; and also to collect the sums charged in the aforesaid list for licenses: But before such duplicate is made out, the common council shall appoint some time and place (of which notice shall be given by advertisement at least one week previously) to sit and examine said assessment roll or rolls, and while so sitting at the time and place appointed as aforesaid, the said common council shall have power to correct all errors in said assessment roll, as to the names of persons, or as to the description or ownership of property, and clearly established mistakes of the assessor in stating the value of personal estate sworn to by any person, and errors as to the value of personal estate valued by the assessor in consequence of the absence of the person owning or having possession or control thereof, or in consequence of the refusal or failure of such person to swear to the value thereof, subject, however, to the provisions of the thirty-eighth section of this act; also, to equalize the valuation of real estate, by increasing or decreasing the valuation fixed in said assessment roll or rolls on any lot or lots, piece or pieces of ground mentioned therein; and for the purpose of making such corrections, and equalization, the common council shall sit at least three days, and

their presiding officer shall have power to swear and examine persons making complaint, as well as other witnesses, touching any alleged error.

SEC. 42. No irregularity as to the time of appointing an assessor or making and returning an assessment roll, or duplicate and precept, or appointing a collector, nor any mere irregularity or informality in the appointment or qualification of any assessor or collector, shall affect the validity of any such assessment of taxes, or any duplicate or precept, or prevent the collection of such taxes.

SEC. 43. All taxes upon real estate shall, from the time the assessment roll is made out and completed, be a lien on such real estate to the same extent as judgments of courts of record, and continue a lien until such taxes are paid, and have a preference of all private claims, and all taxes on personal estate shall have a preference of all private claims.

SEC. 44. As soon as practicable after the assessment roll is made out and completed, the common council shall appoint some suitable person collector to collect the revenue assessed, who, before the duplicate or tax list and precept are delivered to him, shall be sworn by some competent officer to faithfully discharge his duties as collector; and also enter into bond, with freehold security to the acceptance of the common council, in a penal sum not less than twice the amount of the revenue by him to be collected, and conditioned for the faithful performance of his duties; and such collector may appoint deputies, being responsible for their acts.

SEC. 45. As soon as the tax duplicate and precept are placed in the hands of the collector, he shall proceed forthwith to collect the revenue according to the mandate of the precept, and complete such collection, and pay over to the treasurer the revenue so collected, and return such duplicate and precept to the common council or their clerk by the first Monday in November following the appointment of such collector.

SEC. 46. In case of the death, resignation, inability, or refusal of any assessor to make or complete and return an assessment, or of any collector to commence or complete the collection of the revenue, the common council shall appoint another assessor or collector, (as the case may be) who shall be governed in all respects by the same rules as if he were the regularly appointed assessor or collector.

SEC. 47. Taxes on personal estate, polls, dogs, and bitches may be collected by the collector at any time prior to the second Monday of March next after his appointment, and also money charged in the list delivered to him for licenses, which collections, if made after the first Monday of November, shall be made upon and by virtue of a copy of his delinquent list, certified by the mayor and attested by the clerk, under the corporate seal, to which shall be attached a precept similar to the one required to be attached to the tax duplicate.

SEC. 48. The common council shall have full power to regulate the building of party walls of stone or brick houses within the city, and the quality of materials to be used in such walls, and the depth

below the surface of the earth at which such walls or the foundations thereof shall commence, and the thickness and length of such walls and the foundations thereof, and the highth to which the same shall be built above the surface of the earth; and in accordance with the by-laws and ordinances of the common council, passed in pursuance of this section of this act, it shall be lawful for any person or persons about to build any stone or brick house of any kind on any piece of ground within the city of Evansville, which is bounded on any side or end by the private property of any other person or persons, to build his, her, or their wall or walls on any line dividing his, her, or their ground from that which adjoins it as aforesaid, placing such wall lengthwise along said line, and one-half of such wall on each side of such line; and when any such wall shall be so built of brick or stone of the highth, depth, breadth, and thickness, and in the manner and of the quality of materials prescribed by such by-laws and ordinances, it shall be a party wall, and the persons owning the ground on either side thereof shall have the right to use the same in any lawful manner: *Provided*, That no person other than the person building such wall shall be compelled to maintain or keep the same in repair, or to pay any part of the expenses of building, repairing, or maintaining the same until such wall, or some part thereof, shall be used by such other person, by attaching another house to it, or making it constitute one side or wall, or part of one side or wall of another house of some kind, erected on the ground adjoining that of the person who erected such wall, and when any person other than the person who may have erected any such party wall may desire to use such wall by attaching another house of any kind to it or by making such party wall part of any such other house, or one wall or part of one wall of such other house, such person so desiring to use such wall shall first pay to the person or persons who built the same or his, her, or their heirs and assigns, one-half of the full value of such wall, if the same be demanded by the person entitled thereto, personally, or by agent or attorney, and after such demand made, no person shall attach any other house to such party wall, or proceed any further in erecting or finishing the same, or commence or proceed any further in erecting or finishing any such other house of which said party wall will in anywise form a part or one wall or a part of a wall thereof, without first paying to the person or persons who built such party wall, or his, her, or their heirs or assigns, one-half of the full value of such party wall, but after making such payment, such party wall shall be the joint property of the persons owning the houses between which such party wall forms a partition; and the common council shall appoint three freehold citizens of the city surveyors, to view and estimate the value of party walls, when the parties interested cannot agree; and such surveyors, when requested to do so by any person interested, shall proceed to view and carefully examine any such party wall, and after such view and careful examination to appraise and fix a value upon the same, which appraisalment and valuation being made in writing, and verified by

the affidavits of such surveyors, or a majority of them, shall be final and conclusive; but before such examination and appraisalment, all the parties interested, or their agents, attorneys, or guardians, shall be notified, if practicable, of the time of making the same, in such manner as the common council shall prescribe by ordinance or by-law: The common council shall have power to make such rules for the government of such surveyors, in the discharge of their duties, as they may deem proper, not inconsistent with this act: Such surveyors, when so appointed, shall have and exercise all the powers and perform all the duties of fence viewers within said city; and for their services shall be entitled to such fees as the common council shall by ordinance direct.

SEC. 49. All taxes shall be collected, if practicable, and paid over to the city treasurer by the first Monday of November in each year: Taxes on polls, personal estate, and dogs and bitches remaining unpaid after that time, shall be collected, as far as practicable, and paid over to the city treasurer by the second Monday in March following, at which time the collector shall make a final settlement with the common council of his doings and business as collector, unless further time shall be given him by the common council to any day between that time and the first Monday in the next April thereafter, in which case he shall make settlement at the time allowed and appointed therefor by the common council: When the duplicate and precept are placed in the hands of the collector, he shall give public notice thereof, by advertisement, two weeks successively, in a newspaper printed and published in the city, stating also in said notice where his office is, and calling upon the people to pay their taxes: He shall not be required to make a demand of taxes from any person charged therewith, but shall keep his office open for the reception of taxes for one month next before the first Monday in October in each year, between ten o'clock, A. M., and five o'clock, P. M., of every day except Sundays, and at such other times as he may think proper: At any time after the first Monday in October, the collector may collect taxes on polls, personal estate, dogs, and bitches, by seizing and selling the goods and chattels of the persons whose taxes remain unpaid.

SEC. 50. After the first Monday in October, and by the first Monday in November in each year, the collector shall make the taxes assessed on real estate, either by the seizure and sale of the goods and chattels of the owner or claimant thereof, or by selling the lot or piece of ground itself upon which the taxes remain unpaid, or so much thereof as may be necessary to pay such taxes and the costs of advertising and sale, giving six days notice of the time and place of selling goods and chattels, by written advertisement, set up in three of the most public places in the city, (one of which shall be in the ward where the sale is to take place) and giving three weeks notice of the time and place of selling real estate, by advertisement for three weeks successively, in a newspaper printed and published in the city: *Provided*, That real estate so sold shall remain sub-

ject to any lien which the State or the county of Vanderburgh may have thereon for taxes, or by mortgage, judgment, or recognizance.

SEC. 51. In selling real estate for taxes, the collector shall sell the least portion of any lot or piece of lot that any bidder will take and pay the taxes due thereon, with the costs of advertising and selling; and when any person shall bid for a less quantity than the whole lot, the collector shall declare publicly the manner in which the lot or piece of ground shall be divided, and, if practicable, he shall so divide it as not to make it necessary to sell the same piece or part of lot for State or county taxes: Having made a sale of any real estate, the collector shall make, acknowledge, and deliver to the purchaser a certificate thereof, particularly and accurately describing the property sold, the amount it was sold for, and stating the time within which it may be redeemed.

SEC. 52. It shall be the duty of the collector to return to the city treasurer, on or before the second Monday in November, a statement of all lots and parts of lots sold for taxes by such collector, giving in such statement the name of the person to whom each lot or piece of lot sold was listed, the amount of tax and costs paid by the purchaser, and the day when the same was sold, and also a particular description of each lot or part of lot sold: And the owner or claimant of any lot or piece of lot sold as aforesaid, or any person on behalf of such owner or claimant, may redeem the same at any time within two years from the day on which it was sold, by depositing with the treasurer aforesaid, for the use of the purchaser, the taxes and costs so paid as aforesaid, together with interest thereon at the rate of one hundred per centum per annum from the day of sale to the day of making such deposit and redemption.

SEC. 53. After the expiration of two years from the day on which any lot or piece of lot is sold for taxes, it shall be the duty of the treasurer to endorse on the certificate of the sale thereof, given by the collector, on the application of any person holding the same, a statement of the fact that the lot or piece of lot mentioned in such certificate has not been redeemed, which statement or certificate of the treasurer shall be by him acknowledged before some competent officer, and such certificate of the treasurer, acknowledged as aforesaid, together with the certificate of the collector, made and acknowledged as aforesaid, shall inure, and have the effect, to vest in the person who purchased the property therein described at the collector's sale, or his heirs or assigns, from the day of such sale, an absolute and indefeasible title and estate in fee simple to and in the lot or piece of lot of ground in such certificate described, and shall be admitted to record in like manner and with like effect as other conveyances of real estate, and shall be conclusive evidence of the regularity of the collector's sale, and shall not be set aside, annulled, or held invalid in any court, except upon proof of one or more of the following facts, viz: *First*—That the lot or piece of lot in such certificate described was not subject to be taxed: *Second*—That the taxes charged or properly chargeable thereon were actually paid to the

collector or his deputy, or tendered and refused before the sale: *Third*—That the same was redeemed as herein provided within two years from the day on which it was sold by the collector.

SEC. 54. At any time before the sale for taxes of any property, real or personal, the owner or claimant thereof, or any person on his behalf, may release the same, by paying the taxes due, and costs, so far as accrued: And whenever any balance from the sale of goods and chattles, after payment of the taxes and costs for which the same were sold, shall remain in the hands of the collector, he shall pay the same over to the proper person, if demanded, before he pays the same into the treasury, after which the treasurer shall pay the same to the person entitled thereto, on demand, to enable him to do which, the collector shall give the treasurer, when he pays the same over, a statement of such balance, and the owners thereof.

SEC. 55. In the returns of the collector to be made to the common council or their clerk, on or before the first Monday in November, and on or before the second Monday in March, he shall state fully and accurately the aggregate amount of taxes and licenses by him collected, and the aggregate amount of taxes remaining unpaid, and also the names of the defaulters, and the amount due from each defaulter, and the reason why the sum due from each defaulter was not collected; and such returns shall be verified by the affidavit of the collector; and to the tax list of any succeeding year, it shall be lawful to add the taxes remaining unpaid for any year, and collect the same in the same manner as if they had been assessed during such succeeding year.

SEC. 56. The common council shall appoint some discreet person city treasurer, whose duty it shall be to receive, keep, and disburse all money and revenue belonging to the city of Evansville, or raised and collected by virtue of this act, or by virtue of the by-laws and ordinances made in pursuance of it: He shall keep accurate accounts, in such manner as shall be directed by the common council, of all moneys by him received and disbursed, and perform such other services as shall be required of him by the common council, of all moneys by him received and disbursed, and perform such other services as shall be required of him by the common council: Before entering upon his duties every such treasurer shall take an oath of office and give bond payable to the city of Evansville, with freehold security to the satisfaction of the common council, in a penalty not less than double the amount of money that may be likely to be in his hands at any one time, and conditioned for the faithful performance of his duties as treasurer, and the faithful keeping, paying over, and accounting for all money and property that may come into his hands as treasurer.

SEC. 57. All money that may be raised, recovered, received, or collected for any tax, license, forfeiture, or penalty, or which may belong or be payable to the city of Evansville, shall be, when collected, paid over to the city treasurer to be appointed as aforesaid; and no money shall be paid out or disbursed by such treasurer,

except upon orders to be drawn by authority of the common council, signed by the mayor, or in his absence one of the councilmen, and attested by the clerk: The treasurer shall receive all money belonging to the city; also, the list returned by the collector of lots or parts of lots sold, and the list of balances due persons for property sold for taxes, and to receive all money that may be offered or paid by or on behalf of any owner or claimant for the redemption of any lot or piece of lot sold for taxes, and give a receipt therefor, specifying therein the lot or piece of lot redeemed.

SEC. 58. Whenever the owners of lots or parts of lots shall desire to have any improvements or repairs made in or upon any street or alley, or part of street or alley, in front or rear of or adjoining such lots or parts of lots, by grading or paving, graveling, curbing, guttering, or in any other way, and the owners of five-eighths of the whole number of feet of ground on each side of the street or alley, or part of street or alley proposed to be improved, shall by themselves or their agents express their desire by petition to the common council, stating in such petition distinctly and plainly the improvement or repairs desired to be made, it shall be the duty of the common council to cause such improvements or repairs to be made in the best and most economical manner, and the expenses thereof shall be assessed and charged against all the lots and parts of lots fronting on or adjoining the street or part of street, or alley or part of alley so improved or repaired as aforesaid, equally per front foot, or according to the value of such lots or parts of lots; and in order that it may at all times be seen whether the subscribers to such petition represent the requisite number of feet, the clerk shall enter upon the record of the minutes of the proceedings of the common council the petition upon which any such improvements or repairs are ordered to be made, stating on the record the names of the petitioners, and the number of feet represented by each; and the common council may provide by general ordinance for the collection of the cost and expenses of any such repairs and improvements, and provide also by such ordinance for the sale of the fee simple or any other estate in any lot or part of lot on which any such expenses remain unpaid, and for the conveyance of the lot or part of lot or the estate therein, so sold to the purchaser, and such sale and conveyance shall vest a good and indefeasible title in the purchaser to the estate or interest so sold: Public notice of the time and place of every such sale shall be given by publication in a newspaper printed and published in the city, for at least two weeks successively next before the sale: *Provided*, That the expenses of making such improvements or repairs shall not be assessed on the lots or parts of lots fronting on the street or alley improved or repaired, according to the value of such lots or parts of lots, unless three-fourths of all the councilmen shall concur in ordering the same to be so assessed, nor shall the improvements on any lot or part of lot be considered in making any such *ad valorem* assessment: *And provided also*, That the common council, with the concurrence of three-fourths of all the members thereof, may order and

require any and all such improvements and repairs of streets and alleys to be made without petition, and either charge and cause all or any part of the expenses thereof to be collected, as above in this section provided, or cause such expenses, or part thereof, to be paid out of the general revenue of the city: *And provided also*, That the word "street" or "streets," wherever the same is used in this section, shall be construed to include side walks.

SEC. 59. No street, lane, alley, or public landing shall be discontinued without the consent of the owner of the adjoining property, to be given in writing, and spread upon the records of the common council; nor shall any new street, lane, or alley, or public landing be made by order of the common council through private property, nor any street or alley made wider, without first paying to the owner or owners of the property to be appropriated in making or widening any street, lane, alley, or landing (if such payment be demanded) the full amount of the real injury such owner or owners may sustain thereby; and in order that such demand may be made, it shall be the duty of the common council to give six weeks public notice, by advertising in some public newspaper printed in said city, of their intention to make or alter any such street, alley, lane, or landing, and any person aggrieved may, at any time within said six weeks, apply to the common council for redress, by petition or remonstrance in writing, left with the clerk of the common council, and containing a statement of the injuries complained of, and the amount demanded therefor, and if three-fourths of the members of the common council shall concur in ordering the amount so demanded to be paid, the same shall be paid out of the common treasury of the city, otherwise the common council shall appoint two disinterested freeholders of the city, and the applicant for damages shall appoint two like disinterested freeholders of said city, and the four thus appointed shall choose a fifth, and the five persons thus appointed and chosen shall view, and on actual view and examination assess, at its true value, the damage which the person demanding damages as aforesaid will sustain by the making and establishing of any such new street, lane, alley, or public landing, or widening any street, alley, or lane already established; after such assessment is made and returned in writing, signed and sworn to by a majority of the assessors, to the common council, it shall be final and conclusive as to the amount of such damages, and the damages so assessed shall be fully paid out of the common treasury before any such new street, lane, alley, or public landing is made or opened or before such street, lane or alley already established shall be widened: If the four freeholders first selected and appointed as aforesaid cannot agree on choosing the fifth, then the common council shall appoint him.

SEC. 60. All bonds given in pursuance of this act or the by-laws, ordinances, or orders of the common council, by any agent or officer except the mayor and marshal, shall be made payable to the city of Evansville, and no such bond shall be void or ineffectual for want

of form or any matter in the absence of which the intention of the makers thereof is clearly manifest.

SEC. 61. Until a city jail shall be erected, the city of Evansville shall be allowed to use the common jail of Vanderburgh county, and the sheriff of said county and the keeper of said jail shall receive, keep, and discharge such persons as may be committed to said jail by authority of this act, or the by-laws and ordinances made in pursuance of it, at all times, and in such manner and under such rules and restrictions as shall be prescribed in such by-laws and ordinances, unless such persons shall be otherwise discharged by due course of law.

SEC. 62. The common council shall have power, by ordinance or by-law, to establish one or more steamboat landings in front of said city, and prohibit the landing of other water crafts thereat, and to prohibit the loading or unloading of sheep, cattle, hogs, horses, and fowls, or other offensive or unwholesome commodity upon or from boats of any kind, and to prohibit boats having such lading from landing or lying at or near the shore of the Ohio river on the Indiana side thereof, opposite or in front of said city, or within one half mile above said city; and for these purposes the common council shall have jurisdiction over the Ohio river and the Indiana shore thereof in front of said city, and all process issued by the mayor may be served and executed any where on the Ohio river opposite the county of Vanderburgh.

SEC. 63. The mayor shall cause the laws and ordinances, rules and regulations made in pursuance of this act to be duly observed, enforced, and executed, inspect the conduct of all officers and agents appointed by the common council, and cause all negligence, carelessness, and positive violation of duty by them to be promptly punished: He shall keep the seal of the city, and sign all licenses, permits, and commissions which may be granted by [him] or by authority of the common council: He shall keep an office in some convenient place in the city, and shall have power, as mayor, to take and certify, under the corporate seal of the city, all acknowledgements and proofs of deeds of conveyance, powers of attorney, and all other deeds and instruments of writing, according to the law and usages in such cases; also, to take and certify depositions and affidavits in all cases whatever, and deeds and other instruments of writing and depositions and affidavits acknowledged or taken before him as aforesaid, and certified under the corporate seal of the city shall be received as evidence, without further authentication, in all courts and places, in like manner and with the same effect as if the said acknowledgements, affidavits, proof, and depositions had been taken and certified by any other officer authorized by law to take and certify the same: He shall have such powers and discharge all such duties as shall be lawfully given to or imposed upon him by the common council, or by their ordinances: The mayor shall also, as mayor, be a judicial officer,

and as such shall have exclusive original jurisdiction to hear and determine all suits, actions, and legal proceedings for the violation of any ordinance or ordinances, rules, or regulations of said city, and for that purpose to cause witnesses and jurors to be summoned, and compel them to attend in the same manner and under like circumstances as justices of the peace have or may have power to do, and to punish contempts committed by attorneys, witnesses, parties, jurors, and other persons in the same way and to the same extent as justices of the peace have or may have power to punish the same: He shall also have power to issue final process, and compel the payment of judgments and costs on his docket in the same manner as justices of the peace are or may be authorized to compel the payment of judgments and costs on their dockets: From any judgment rendered by the mayor in any such action or suit as is above in this section mentioned, an appeal may be taken to the circuit court of Vanderburgh county at any time within ten days after the rendition thereof, in the same manner and subject to the same rules and restrictions and with the same effect that appeals are taken in like cases from judgments of justices of the peace: In the trial of causes the mayor shall be governed by the same rules which shall for the time being govern justices of the peace: The mayor shall, *ex officio*, be a justice of the peace, and as such shall within said city have and exercise the same powers and jurisdiction in all civil and criminal cases that other justices of the peace shall for the time being have or may lawfully exercise within their respective townships, and he shall also be subject to the same responsibilities and perform the same duties as other justices of the peace: Before entering upon the discharge of his duties in his judicial capacity, he shall also give bond, payable to the State of Indiana, in like manner and in the same penalty as justices of the peace [may] at the time of his election, be required to, and when acting in his judicial capacity, he shall be entitled to the same fees that justices of the peace are or may be entitled to for like services, and in addition thereto he shall receive annually a salary to be fixed by ordinance or by-law, and paid out of the city treasury by quarter-yearly instalments, and after the first ordinance fixing such salary shall take effect and be in force, no ordinance decreasing such salary shall take effect until the next regular election for mayor, or until the office of mayor shall become vacant: The mayor shall sign or sign and seal (as the case may be) all process issued by him in the same manner that justices of the peace sign or sign and seal process of the same kind issued by them: He shall also, when required by any person interested, his agent, or attorney, give certified transcripts of judgments and proceedings on his docket, which shall be received in evidence in like manner as certified transcripts of the judgments of justices of the peace, and when properly recorded in the clerk's office shall bind and be a lien on real estate in the same manner that transcripts of the judgments of justices of the peace do, and for such and all other services of a ministerial character relating to his business as a judicial officer, the mayor shall receive

the same fees as justices of the peace receive for like services at the time such services are rendered: The mayor shall keep a docket such as justices of the peace are required to keep, and such other books and records as by law or by the ordinances of the common council he may be required to keep; and in case of the absence of the mayor, or in case of his sickness or inability to act, he shall deposit his docket with some justice of the peace who resides and keeps his office in said city, who shall, during such absence, sickness, or inability of the mayor, be vested with and exercise and perform all the powers and duties of the mayor in his judicial capacity, and shall act upon his docket and upon any new cases arising under the ordinances of the city as if he were mayor: Actions against the mayor himself, for violations of the ordinances of the city, may be commenced and prosecuted before any justice of the peace in said city, and when it shall be made to appear, by affidavit filed with the mayor, that he is a material and competent witness in any case pending before him in which, as mayor, he has exclusive original jurisdiction, he shall grant a change of venue in such case, to and before some disinterested justice of the peace of said city, who shall have full power and authority to hear and determine the same as if he were mayor, and such change shall be effected and all subsequent proceedings had in the same manner and subject to the same rules and restrictions as changes of venue from one justice of the peace to another: *Provided*, That the city of Evansville shall not be required to pay or secure or suffer judgment for costs in order to procure such change: In case of a vacancy in the office of mayor, the common council shall cause the mayor's docket to be placed in the hands of some justice of the peace of the city or of Vanderburgh county, who shall, from the time such docket is placed in his hands, be invested with all the judicial powers of the mayor, and continue to serve as such until such vacancy is supplied: All constables shall be ministerial officers of the mayor's court in like manner as they are of justice's courts, and shall be bound in the same manner to execute process issued by him: The mayor may from time to time be required to give additional bond and security, and may be removed from office in the same manner and for the same causes that justices of the peace may be.

SEC. 64. The common council shall appoint a marshal of the city, who shall be the chief ministerial officer of the mayor's court, and as such shall execute all process issued and delivered to him by the mayor, and for that purpose he shall have all the powers of a sheriff and constable, and be entitled to the same fees as sheriffs and constables receive for like services, and subject to the same penalties and amercements; and the marshal or any constable having process issued by the mayor in any case for a violation of any by-law, ordinance, or regulation passed, ordained, or established in pursuance of this act, may execute the same any where in Vanderburgh county, or on the Ohio river opposite said county, whether such process be mesne or final process: It shall be the duty of the marshal to

suppress all fights, riots, disturbances, and breaches of the peace, and to apprehend and take before the mayor all rioters, disorderly persons, and disturbers of the public peace in said city, and all persons in the act of committing any offence indictable by the laws of the State, or fleeing from justice after committing any such offence, and if he may deem it necessary for that purpose, he may call to his assistance all by-standers and other persons in the vicinity, and when any such person is so brought before the mayor, he shall examine and inquire into the charge made against him or her, and commit, discharge, or let to bail such person, as in other cases: The marshal shall also perform such other duties as may be required of him by the by-laws, ordinances, and regulations of the city, and be paid therefor as the common council shall direct by ordinance or otherwise: He may appoint one or more deputies, being always responsible for the correct discharge of their duties: Before entering upon the discharge of his duties, he shall give bond, with freehold security to the acceptance of the common council, payable to the State of Indiana, and conditioned for the faithful performance of his duties as marshal, and for the faithful keeping and paying over of all money that may come into his hands as such; and any person aggrieved by a breach of the condition of said bond may cause suit to be brought thereon in the name of the State, for the use of such person, whether a natural person, or a body politic or corporate: Such bond shall be filed in the office of the clerk of the common council and carefully preserved, and copies thereof, certified by the mayor, under the corporate seal of the city, shall be good evidence in all courts: The marshal shall also take an oath of office, to be endorsed on said bond before it is filed.

SEC. 65. After this act takes effect as hereinafter provided, no person shall have the right to vote at any election held by virtue of this act, or the ordinances passed in pursuance of it, who has not paid all taxes and assessments levied and charged against him for city purposes within twelve months next before such election and due and payable at the time of such election.

SEC. 66. The common council may erect and establish in said city a house of correction and work house, or either of them, and authorize the mayor, on failure of any person to pay or replevy a fine or penalty that may be entered against him or her for a violation of any by-law, ordinance, or police regulation of the city, to commit such delinquent to such work house or house of correction instead of the jail; and the common council shall have power to appoint such officers and adopt such rules and regulations to govern such officers and the persons committed to such house as they may deem necessary, not inconsistent with the laws of this State; and as well before as after the establishment of such work house or house of correction, the common council may authorize the mayor, on failure of any person to pay or replevy any such fine or penalty and costs, to require such delinquent to perform any amount of labor equiva-

lent in value to such fine and costs, using such means to prevent his escape as may be deemed necessary.

SEC. 67. For collecting taxes without distress or sale, the collector shall be allowed such a per centum upon the whole amount collected as the common council think proper, to be paid out of the general revenue, and for every sale of personal property for taxes he shall be entitled to one dollar, together with reasonable and proper charges for removing and keeping property distrained, and fifty cents for each sale of real estate and giving a certificate thereof, and twenty-five cents for acknowledging such certificate, to be added to and estimated with the taxes for which such real or personal estate was sold, and paid out of the proceeds of such sale:

The treasurer shall be allowed for his services such a per centum upon the whole amount received and disbursed by him as the common council may think proper, and twenty-five cents for each certificate of the fact that a lot or part of lot sold for taxes has not been redeemed, and twenty-five cents for acknowledging the same, to be paid by the person demanding such certificate, and twenty-five cents for each certificate of the redemption of a lot or part of lot sold for taxes, to be paid by the person redeeming the same, and for other services such fees or compensation as the common council may allow:

The clerk shall prepare and make ready for the signature of the mayor all orders upon the treasury, all commissions and licenses, and all copies of the records and papers in or appertaining to his office, upon the request of the person entitled to the same, and for copying each record or paper not exceeding one hundred words, he shall be entitled to fifteen cents, and for all over one hundred words, he shall receive at the rate of ten cents for each hundred words, and in estimating the number of words, three figures shall be counted as one word: Such fees shall be paid by the person demanding such copy: In addition to the fees above specified, the clerk shall be allowed and paid a stated annual salary, of such amount as the common council may deem proper, to be paid by quarter-yearly instalments, as the services are rendered:

All other officers and agents employed by or by authority of the common council, shall be allowed and paid such reasonable fees or compensation as the common council may deem proper:

The mayor shall be entitled to receive for each certificate and seal to the copy of any record or paper in the clerk's office, twenty-five cents, and for each certificate with the corporate seal annexed to any other document or instrument of writing, fifty cents, and for taking and certifying affidavits and the proof or acknowledgement of deeds and other instruments of writing and depositions, he shall be allowed the same fees as justices of the peace are or may be allowed for like services, when certified by him as a justice of the peace, and twenty-five cents in addition thereto when such certificate is made by him as mayor, under the corporate seal of the city:

The sheriff shall receive the same fees for receiving, keeping and

discharging prisoners committed to jail by the mayor for the violation of penal ordinances of the city, that he receives for like services in other cases, and when any person shall be so committed, the sheriff shall report to the mayor his fees and charges, which shall be taxed and collected as part of the costs in the cause in which such person may have been committed.

SEC. 68. Every clerk and treasurer may, with the advice and consent of the common council, appoint a deputy: Every such appointment shall be in writing, and be entered on the records of the minutes of the common council: The clerk and his deputy shall have full power to administer oaths in all cases whatsoever in relation to the business that may at any time be before the common council, and also all official oaths to be administered to officers or agents appointed by the common council; and the deputy clerk and the deputy treasurer shall be competent to discharge all the duties of their respective principals.

SEC. 69. No mayor or councilman, during his continuance in office as such, shall be appointed by the common council to the office of clerk, treasurer, collector, marshal, or attorney for the city of Evansville, or be a party to or be directly or indirectly interested in any contract made or entered into by or with the common council.

SEC. 70. It shall be the duty of the president and trustees of the town of Evansville to appoint some suitable person in each ward of said town an inspector of elections, and appoint a place in each of said wards to hold an election on the first Monday in April, 1847, for the election of mayor and councilmen, which election shall be governed in all things by the provisions of this act; and as soon as the mayor and councilmen shall enter upon the discharge of their duties, the corporation known as "The President and Trustees of the town of Evansville" shall cease to exist, but all books, papers, and property, real and personal, and all money and choses in action belonging to or held and possessed by "The President and Trustees of the town of Evansville," shall vest in and become the property of and to all intents and purposes belong to the corporation hereby created by the name and style of "The City of Evansville," and all suits pending and judgments rendered in favor of or against "The President and Trustees of the town of Evansville," may be continued, prosecuted, and defended by or against "The City of Evansville," by placing its name on the record as plaintiff or defendant, as the case may require, by order of the proper court, after notice given to the mayor or city attorney, in cases where the city of Evansville is to be made a defendant: The city of Evansville shall be responsible for the performance of all contracts and liable for all debts and demands entered into by or due and payable from the president and trustees of the town of Evansville, and shall have the right, by suit in its own name, or otherwise, to enforce the performance of all contracts and the payment of all demands entered into with or payable to the president and trustees of the town of Evansville, and all other

rights and liabilities of the president and trustees of the town of Evansville shall vest in and devolve upon the city of Evansville.

SEC. 71. At any time after this act takes effect, any territory adjoining the city of Evansville, which is or may be laid out in streets and lots, and the plat thereof recorded, or any part of any such territory so laid out in streets and lots, may be annexed to and included within the limits of the city of Evansville in the manner hereinafter provided, viz: Whenever three-fourths of the adult inhabitants of any such adjoining territory, who are freeholders therein and own one-third of such territory, shall desire to have the same annexed to and included within the limits of said city, or whenever the owners in fee of one-half of any such territory, whether inhabitants thereof or not, shall desire to have the same annexed to or included within the limits of said city, and shall express such desire by a written petition, signed by three-fourths of such freehold inhabitants or the owners of one-half of such territory, expressing therein distinctly the territory intended or desired to be annexed to and included within the limits of said city, the common council, upon such petition being presented to them, shall, if they think proper, enter such petition at full length upon their records, and order the territory described in such petition to be annexed to and included within the limits of said city; and thenceforth such territory shall be deemed and taken to be annexed to and within the limits of said city, and the inhabitants thereof members of the corporation hereby created, to all intents and for all purposes whatever, and the territory so annexed shall constitute one or be divided into two or more wards of the city of Evansville, as shall be provided by an ordinance or ordinances of the common council, and such ward or wards shall be represented in the common council in the same manner as other wards of the city; and the mayor, and the common council, and all other officers of the city, shall have the same jurisdiction over and exercise the same powers within any territory so annexed, as they may have or exercise within the limits of the city of Evansville as herein defined and prescribed, and also over and upon the Ohio river and the shore thereof in front of such annexed territory: *Provided*, That no revenue assessed, collected, or raised without any territory so annexed as aforesaid shall be expended for any improvements or repairs of streets, alleys, wharves, or landings within or in front of such territory, or for any labor or service done or rendered in or for the benefit of such territory or the inhabitants thereof; nor shall any revenue raised, levied, or collected within such territory be expended except in such territory and for the benefit of the same or the inhabitants thereof, until the common council shall otherwise direct by a general ordinance, which ordinance shall not be passed without the consent of all the members of the common council representing such territory, if there be less than three, or a majority of them, if there be three or more.

SEC. 72. This act shall take effect and be in force from and after

its passage: *Provided*, That if at the first election for mayor and councilmen to be held as herein provided, a majority of the qualified voters voting at such election should vote against the adoption of this act, by writing on their tickets before voting, these words: "Against a city charter," or other words of a similar import, then and thenceforth this act shall become and be null and void, and of no effect whatever: And the right is hereby reserved to the legislature to amend or repeal this act at any and all times hereafter, saving to individuals their rights to property and choses in action acquired under it, and their rights to recover and receive debts and demands due them from the city of Evansville: *And provided further*, That unless this act is published in some public newspaper, printed and published in the town of Evansville, at least one week before the first Monday in April next, it shall cease and be of no effect: And in order that such publication may be made, it shall be the duty of the Secretary of State to forthwith transmit by mail to "The President and Trustees of the town of Evansville" a duly certified copy of this act.

CHAPTER II.

An Act making provision for the payment of the witnesses who attended before the Judiciary Committee of the House of Representatives, in relation to the charges preferred by William G. Ewing, and others, against the Probate Judge of Allen county.

[APPROVED JANUARY 14, 1847.]

SECTION I. *Be it enacted by the General Assembly of the State of Indiana*, That the Treasurer of State pay the sum of fifty-five dollars out of any money in the treasury not otherwise specifically appropriated, to each of the following named persons, viz: P. P. Baily, James M. Blossom, Edward H. Colerick, M. L. Switzer, William Lannon, Charles Piper, George W. Collier, Lycander C. Jacoba, Samuel S. Moss, John P. Hedges, John Spencer, Christian Morell, Robert W. Townley, William Stewart, Robert Brackenridge, E. A. McMakin, Henry Strong, William Lannon, Theodore Hoagland, Coonrod Nill, C. W. Crysler, and E. Flemming, in full satisfaction for their travelling expenses from Fort Wayne to Indianapolis and their per diem allowance as witnesses in the impeachment case before the judiciary committee of the House of Representatives of the present General Assembly, commenced against George Johnson, probate judge of Allen county; also, two dollars and fifty cents per day, for ten days, to each of the following persons, as full compensa-

tion for their per diem allowance as witnesses in the same impeachment case: Samuel Edsell, Simon Edsell, Joseph Brackenridge, and John G. Walpole.

SEC. 2. The further sum of twelve dollars and fifty cents is hereby appropriated and directed to be paid to Robert E. Flemming, clerk of the Allen circuit court, for transcripts of records furnished said judiciary committee.

SEC. 3. This act to take effect and be in force from and after its passage and approval.

CHAPTER III.

An Act to authorize the executors of the estate of Jacob Sinks, late of Wayne county, deceased, to sell certain real estate.

[APPROVED JANUARY 23, 1847.]

WHEREAS, Jacob Sinks and Mary Sinks, his wife, both late of the county of Wayne, deceased, were seized at the time of their death each of an undivided half of certain real estate, situate in said county, and the said Jacob Sinks, supposing himself to be seized in fee of the whole of said real estate, by his last will and testament authorized and directed Robert Murphey, Charles H. Moore, and Jonathan Macy, the executors appointed by said will, to sell said real estate, and apply the money according to the directions of said will: AND WHEREAS, The adult heirs of said Mary Sinks, deceased, have by deed of trust authorized and empowered said executors of said will to sell and convey all their estate, right, and title in said real estate, but the minor heir of Jacob Sinks, junior, deceased, and the minor heirs of Catharine Neff, also deceased, who were children of said Mary Sinks, deceased, are each entitled to one undivided twelfth part of said real estate, and are incapable of selling or conveying the same, and it being very desirable that said real estate should be sold undivided: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Robert Murphey, Charles H. Moore, and Jonathan W. Macy, executors of the last will and testament of Jacob Sinks, late of the county of Wayne, deceased, may and they are hereby authorized to sell at public or private sale, as to them may seem best, and convey in fee simple any and all the real estate in which the said minor heirs may have an interest, situate in the county of Wayne, undivided and in the same manner that they might or could have done if said Jacob Sinks, deceased, had been seized in fee simple of the whole of said real estate, they paying to said minors

severally, when they may come of lawful age, or to their proper guardians, if they should have any, their full shares of the purchase money of said real estate, in proportion to their several interests in the same as heirs at law to the estate of the said Mary Sinks, deceased, after deducting a just proportion of the expenses of selling and conveying said real estate.

SEC. 2. That before said executors shall proceed to sell the real estate referred to in the first section of this act, they shall give bond with security to be approved of by the Wayne probate court, in a penalty double the appraised value thereof.

SEC. 3. This act to be in force from and after its passage.

CHAPTER IV.

An Act to repeal the provisions of an act entitled "An act to amend the fourth article of the sixteenth chapter of the Revised Statutes of 1843, so far as the same relates to the counties of Washington and Jackson," approved January 5, 1844, so far as the same relates to the said county of Jackson.

[APPROVED DECEMBER 23, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the provisions of the act entitled "An act to amend the fourth article of the sixteenth chapter of the Revised Statutes of 1843, so far as the same relates to the counties of Washington and Jackson," approved January 5, 1844, be and the same is hereby declared to be fully and absolutely repealed in all its provisions as applicable and relating to the said county of Jackson.

SEC. 2. All the provisions of the said fourth article of the sixteenth chapter of the Revised Statutes of 1843 shall hereafter be applicable to the said county of Jackson, the same as if the act hereby repealed had never been passed.

SEC. 3. This act shall be in force and have effect from and after its passage.

CHAPTER V.

An Act making an appropriation to pay J. R. Morlridge, a contractor on the Madison and Indianapolis railroad.

[APPROVED JANUARY 16, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That an appropriation of three thousand two hundred and eighty-four dollars and two cents be and the same is hereby made, to satisfy a claim due J. R. Morlridge, as reported and allowed by J. H. Sprague, engineer, under the authority of an act entitled "An act relating to a contractor on the Madison and Indianapolis railroad," approved January 19, 1846, and the agent of State is hereby directed to pay the same to the said J. R. Morlridge, out of any moneys derived from the suspended debts of the State of Indiana.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER VI.

An Act authorizing the superintendent of the Wabash and Erie canal to settle with Gookins, Barnes, and Thomas.

[APPROVED JANUARY 9, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the general superintendent of the Wabash and Erie canal be and he is hereby authorized and required to cause to be made a full examination of the work done on said canal by Gookins, Barnes, and Thomas, and make a final settlement with them on equitable terms, refunding such amounts, if any, as may have been advanced by them for the benefit of the State towards the completion of said canal.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER VII.

An Act to amend an act entitled "An act granting to the citizens of Madison and the town of Lawrenceburgh a City Charter," and also all acts amendatory thereto.

[APPROVED JANUARY 25, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter the marshal, assessor, collector, and treasurer of the city of Madison shall be elected by the qualified voters of said city at the regular annual elections.

SEC. 2. That in case of any vacancy in the office of marshal, assessor, collector, or treasurer of said city, the common council thereof shall have power to fill every such vacancy by the appointment of a suitable person as soon as practicable after the happening of any such vacancy, who, after taking the necessary oath, and executing the necessary bond, shall be invested with all the powers and shall discharge all the duties of the present incumbent during the balance of the unexpired term, and until a successor shall be elected and qualified.

SEC. 3. That in case of the inability, failure, or refusal of the assessor to make or complete the assessment roll within the regular period prescribed by law, the common council shall have power to appoint some suitable person either to make or complete, or to assist the assessor in making or completing such assessment roll, as the case may require; and for that purpose the said council may extend the time for making or completing such assessment roll, not exceeding the first Monday in the month of September next succeeding the time when the same should have been completed: And in case of every such extension of time as hereinbefore provided, a like extension of time may be allowed to the clerk of said city, for the purpose of enabling him to make or complete the duplicate of such assessment roll; which, when so made or completed, shall, together with the proper certificate and precept, be placed in the hands of the collector, who shall proceed to collect the taxes therein assessed according to law.

SEC. 4. That the common council shall have power to appoint any member of said council as an agent on behalf of said city, who shall have full power and authority, for and on behalf of said city, to bid at any sale of lots or lands by the collector of said city for the non-payment of taxes, the amount of all unpaid taxes, costs, and charges remaining against each and every lot and piece of land, and for which the same may be offered for sale by the collector; and that if no higher bid be offered for any such lot or piece of land, the collector shall receive and take the bid of any such agent as the bid of said city, and shall make out and deliver to the mayor of said city a certificate in each and every case where said city may become

the purchaser as aforesaid, which certificate shall state that said city became the purchaser, and shall, in all other respects, be similar to that which is required in other cases of sales by such collector, and shall have the like force and effect, and entitle said city to a like certificate from the treasurer, after the expiration of the time for the redemption of such lot or piece of ground as in other cases.

SEC. 5. That said city shall have power to use, lease, transfer, sell, convey, or otherwise dispose of all such real estate so purchased as aforesaid, and all remedies for the recovery and protection thereof, as in the case of purchases thereof by private individuals.

SEC. 6. That elections for all officers who are, under this act or the acts to which this is an amendment, to be chosen by the qualified voters of said city, shall be by general ticket, and in regard to councilmen, no ticket containing the names of two or more candidates residing in the same ward shall be counted by the officers of such election in estimating the number of votes cast for councilmen, but as to any other candidate such ticket shall be regarded as valid, and counted accordingly.

SEC. 7. That the common council may, when they shall deem it necessary, cause such additional number of polls to be opened for the reception of tickets as will enable all of the qualified voters in said city to deposit their votes within the time prescribed for the reception thereof.

SEC. 8. That no person shall be allowed to vote at any election held for the purpose of electing any of the officers of said city, unless in addition to the qualifications required by either of the acts aforesaid he will either exhibit to the officers of such election, at the time he may tender his vote, a full receipt from the proper authority, for all taxes assessed and levied against him as a poll tax, and against his property by said city, for the year next preceding the time of tendering his vote, or in the absence, or for want of such receipt, swear or affirm positively that all such taxes have been fully paid by him; and for the purpose of enabling the officers of such election faithfully to discharge their duties, and to guard against imposition, the inspector of such election shall administer an oath or affirmation to any person who may offer to vote at such election without exhibiting such receipt as aforesaid, and interrogate such person touching the payment of such taxes, and also touching all other qualifications; and any person testifying falsely upon such examination respecting his aforesaid qualifications, shall be deemed guilty of perjury, and shall be liable to indictment, conviction, and punishment therefor, under the general laws of the State of Indiana in such cases made and provided: And still further to insure the foregoing objects, it is hereby made the duty of the person or persons who may have the custody or control of the proper tax assessment rolls, to furnish the same, or full and perfect copies thereof, to the officers of such elections, to be used by them during the taking of votes.

SEC. 9. That every such inspector who shall fail or refuse to require and compel any person offering to vote at any such election

as aforesaid, either to produce his proper tax receipt, or to swear or affirm to the payment of his taxes as hereinbefore required, or permit any person so failing as aforesaid to vote at such election, shall forfeit and pay to said city, for each and every such offence, the sum of one hundred dollars, which may be recovered by action of debt before the mayor of said city, or in any court of competent jurisdiction.

SEC. 10. That no person shall be permitted to vote at any election for any officer of said city in any other ward than that in which he may actually and bona fide reside at the time of tendering his vote; and his said residence shall be adjudged to be at the place where he obtains his boarding regularly and bona fide.

SEC. 11. That it shall be the duty of the assessor to require each and every person owning taxable property, either real or personal, in said city, to furnish the assessor a list of all his or her real property, and to state under oath or affirmation (which the assessor is hereby authorized to administer) the just and fair value of his or her said property, both real and personal, specifying the value of each separate lot or piece of land, if he or she have more than one, which said valuation shall be final and conclusive for the purpose of assessing and levying taxes thereon by said city: And upon the failure or refusal of any such person to furnish such list of his or her real property, or to state the value of his or her property, both real and personal, as aforesaid, when required so to do, it shall be the duty of the assessor forthwith to proceed and search out, value, and assess the real and personal property belonging to each and every person so failing or refusing to furnish a list or to state the value of the same as aforesaid, from the best information he may be able to obtain; and each and every such valuation and assessment made by the assessor as aforesaid, shall be final and conclusive, except as to absentees and non-residents, who may apply for the correction of any such valuation or assessment of their property by the assessor, to the common council, in such manner and to such extent as said council may deem proper.

SEC. 12. That the collector shall have power to require each and every person whom the assessor may have failed or omitted to call on for a list of his or her taxable property and a statement of the value thereof, as in the preceding section provided, to furnish him a list of his or her real property, and to state the just and fair value of his or her property, both real and personal, as in said preceding section specified; the aforesaid oath or affirmation to be administered by the collector: And upon the failure or refusal of any such person to furnish the collector a list of his or her real property, or to state the value of his or her property, both real and personal, as aforesaid, it shall be the duty of the collector forthwith to proceed to search out, value, and assess the real and personal property belonging to each and every person so failing or refusing as aforesaid, in like manner as the assessor is required to do in similar cases, which last mentioned valuation and assessment shall be in like manner conclusive, except as to

absentees and non-residents, who may make application for the correction thereof as aforesaid.

SEC. 13. That the limits of said city for the purpose of assessing and levying taxes upon real and personal property shall hereafter be confined within the following boundaries: Beginning at the point where the south end of the present eastern line of the corporate limits of said city touches the southern boundary of the State of Indiana, on the Ohio river; thence northward with said eastern line of said city to the foot of the big hill; thence westward and northward along the foot of said hill and around the same up Crooked Creek hollow to the north line of said city; thence westward to the foot of the big hill on the west side of said creek; thence along the foot of said last mentioned hill and around the same, running southward and westward, to the east side of the mouth of the big hollow, (commonly called "Irish Hollow,") immediately east of the railroad culvert or bridge; thence northward, on the east side of said last named hollow, and along the foot of said last named hill, to the north line of said city; thence westward with said north line to the track of said railroad; thence southward with the track aforesaid, until a direct line shall reach the west side of said track at the curve therein; thence continuing on in the same direct course to the southern boundary of said State on the Ohio river; and thence eastward with the southern boundary of said State to the place of beginning: *Provided*, That said city shall retain and have, excepting the power to assess and levy taxes as aforesaid, all power, jurisdiction, and authority beyond the limits hereinbefore just described and within the original corporate limits of said city as designated in the acts to which this is amendatory, and may exercise the same for all the purposes and to the full extent prescribed in said acts, not inconsistent with the provisions hereof; and excepting, further, that said city shall have no power or authority to appropriate money or other valuable thing for the purpose of making or repairing any road or roads running beyond the limits hereinbefore first described, and within the original limits of said city; nor shall said city have power or authority to appropriate moneys or other valuable thing for any other object or purpose permanently located beyond and within the respective limits aforesaid: *And provided further*, That all citizens and persons residing or being beyond and within the respective limits aforesaid, shall, except as to their real and personal property situate therein, be liable to the same assessments and levies of taxes, amenable to the same ordinances, by-laws, and police regulations, and entitled to the same immunities, privileges and franchises as other citizens and persons residing or being within the limits hereinbefore first described.

SEC. 14. And that for the purpose of establishing, definitely and permanently, the aforesaid limits of said city for the assessing and levying of taxes upon real and personal property, and the appropriating of money or other valuable thing as aforesaid, it shall be the

duty of the common council of said city, within fifteen days after the passage of this act, to cause the aforesaid limits to be surveyed by the surveyor of said city, or some other competent surveyor, who shall act under the superintendence of said common council; which said survey the common council shall, as soon as practicable thereafter, cause to be plainly indicated by permanent and durable monuments; and which survey shall also be published, together with this act, in the manner hereinafter prescribed, and shall, in case of the adoption of this act as hereinafter provided, be the established boundary of said limits within the purview and meaning and to all intents and purposes of this act.

SEC. 15. That the officers (a majority concurring) may close their respective polls for the space of one hour, commencing at noon, on any election day, for the purpose of taking refreshment.

SEC. 16. That the several inspectors of elections in said city shall have the power to administer an oath or affirmation to each and every person who may offer to vote at any such election, and to interrogate him in regard to any or all of his qualifications as a voter.

SEC. 17. That the sixty-second section of the original act incorporating said city be so amended that the marshal shall receive, for the service and execution of all process issued to him by the mayor, the same fees which are now allowed by law to constables for the performance of similar official duties: And further, that said marshal shall have power to apprehend, upon view and without a warrant, any of such persons as are enumerated in said sixty-second section, and either him or her forthwith to bring before the mayor, or in case of the absence of the mayor from his office, to hold such person in custody, or to commit him or her to the watch house or jail of said city, not exceeding fifteen hours, in order that he or she may be brought before said mayor for examination.

SEC. 18. That the mayor shall receive no fees whatever for judicial or ministerial services hereafter rendered by him in prosecutions for alleged violations of any ordinance, by-law, or police regulation of said city, nor in prosecutions before him in his ex officio capacity as justice of the peace for alleged violations of any penal law of this State; but the mayor shall tax up the regular costs against each and every person who may be convicted by or before him in any such prosecution, and payment thereof shall be enforced in the same manner as in other cases; and the mayor shall semi-annually in each current year pay all such costs into the treasury of said city, so far as the same may have been collected.

SEC. 19. That the latter clause of the thirty-third section of the original act incorporating said city be so amended as that no officer, either judicial or ministerial, shall be allowed any fees for official services rendered in any prosecution by said city before the mayor, for the enforcement or collection of any fines, penalties, or forfeitures under any of the ordinances, by-laws, or police regulations of said city; but that the fees of all other officers and persons who may render official or other services in any such prosecutions, and for

which compensation is allowed by law, shall be taxed up against said city, in every such prosecution wherein said city may fail to convict the person or persons charged.

SEC. 20. That the thirty-second section of the original act aforesaid be so amended that in prosecutions before the mayor, or in any court of competent jurisdiction, for violations of any ordinance, by-law, or police regulation of said city, no proof whatever shall be necessary of the publication of any such ordinance, by-law, or police regulation, agreeably to the requirements in said thirty-second section contained, unless the fact of such publication shall be put in issue by a special plea, verified by the oath or affirmation of the party pleading the same; and that upon the trial of any such issue, the production of the certificate of the printer or publisher, made and filed as in said thirty-second section prescribed, shall be admissible as evidence in support of the affirmative of such issue, and, if un rebutted, shall be sufficient proof of such fact of publication.

SEC. 21. That the first process to be issued by the mayor in every case for an alleged violation of any ordinance, by-law, or police regulation of said city, shall be either a warrant or a summons, at the option of the mayor: *Provided, however,* That no warrant shall be issued in any such case, unless on complaint supported by oath or affirmation, charging the person against whom such warrant may issue with a specified violation of some of the aforesaid ordinances, by-laws, or police regulations.

SEC. 22. That the sixty-first section of the original act aforesaid be so amended as that the mayor, in case of his absence from said city for the period of five days, or in case of his inability to discharge his official duties, in consequence of sickness or other unavoidable causes for a like period, shall, prior to his departure in the first case, or at the expiration of five days in the second case, (if his said inability still continue) deposit his docket with any justice of the peace within said city; and such justice shall, until said mayor's return, in the first case, or the removal of his said inability, in the second case, be invested with all the powers and authority of said mayor, and may act upon his docket in the prosecution of suits, and perform all his other official duties, to the same extent and in the same manner, and be entitled to the same fees, perquisites, and emoluments as if he were the duly elected and regularly qualified mayor.

SEC. 23. That in estimating the whole number of feet of private property or lots fronting on each side of any street, lane, or alley, or any portion thereof, which the common council may hereafter be petitioned to cause to be improved, agreeably to the fifty-sixth section of the original act aforesaid, no part of any cross street, side walk, lane, or alley within the limits of any such contemplated improvement, shall be included in such estimate; nor shall any part of the width of such cross streets, lanes, or alleys be included in determining whether such petitioners represent five-eighths of the whole number of feet on each side of any such contemplated improvement;

and further, that the expenses of making such improvement, in the proportion which the width of such cross streets, lanes, and alleys on each side of any such contemplated line of improvement may bear to the whole length of such line of improvement on each side thereof, estimated as aforesaid, shall be paid by said city equally per front foot on such line of improvement with the owners of private property or lots fronting thereon: *Provided,* That no portion of the aforesaid expenses shall be paid by said city, until the whole of such line of improvement shall have been fully completed.

SEC. 24. That the common council shall have no power to issue any order or orders upon the treasurer of said city, to be used in any way as a circulating medium; nor shall said common council hereafter issue or cause to be issued any order or orders upon the treasurer of said city, unless there shall be in the treasury of said city, at the time of issuing or causing to be issued any such order or orders, a sufficient amount of available funds, not otherwise appropriated, fully to meet and discharge every such order upon presentation thereof to the treasurer for payment: *Provided,* That said common council may at any time, whether there be funds in the treasury or not, issue or cause to be issued all orders upon the treasurer for the amounts of the respective salaries or other compensations of the regular and several officers of said city.

SEC. 25. That it shall be the duty of the treasurer of said city to furnish the mayor, at such times as the common council may designate, a true and full exhibit of the available funds in the treasury of said city, which said exhibit shall be verified by the oath or affirmation of said treasurer, administered and certified to by any person duly authorized.

SEC. 26. That the common council shall have power to make all necessary appropriations for the purpose of repairing and keeping in repair all streets, (excepting side walks, curbs, and gutters,) lanes, and alleys lying within any of the recorded plats of said city, and which may have been or which may hereafter be improved in whole or in part by grading and paving, or gravelling, curbing and guttering, and paving or gravelling such side walks, agreeably to the provisions of this act or those of either of the acts to which this is amendatory; and all such streets or sections of streets, (excepting the side walks, curbs, and gutters bordering thereon,) and all such lanes or sections of lanes, and all such alleys or sections of alleys which may have been or which may hereafter be improved as aforesaid, shall be kept in repair by appropriations of the funds of said city not otherwise appropriated.

SEC. 27. That the common council shall have power to erect houses of refuge, to form chain gangs, and to establish work shops, and maintain and regulate the same by appointing the necessary superintendents and other subordinate officers and agents, and by the necessary appropriations of money; and to provide, by suitable ordinances, for the committing and compelling to labor therein of all persons against whom fines and penalties may be imposed for violations of the ordi-

nances, by-laws, or police regulations of said city, and require them to work out their respective fines and costs, in case of failure to pay or replevy the same, at the rate of fifty cents per day.

SEC. 28. That the common council shall have power to punish each and every person who may wantonly or cruelly wound or otherwise maltreat any horse, gelding, mare, colt or filley, or any ox, cow, or other dumb beast, and for that purpose may impose all suitable penalties.

SEC. 29. That no person holding the office of councilman in said city shall, during his continuance in such office, be appointed to any office of profit in the gift of the common council, nor shall he be a partner, or joint contractor, or surety, in any contract, bond or other obligation whatsoever, in which said city may be a party or have any pecuniary interest.

SEC. 30. That from and after the adoption of this act by the qualified voters of said city in the mode hereinafter prescribed, the same shall take effect and be and continue in full force as a part of the charter of said city.

SEC. 31. That all such portions of the original act incorporating said city, and those of the several acts amendatory thereto, as are repugnant to or come in conflict with any of the provisions contained in this act, be and the same are hereby repealed, (so far as relates to the city of Madison,) and this act, together with said original act, and acts amendatory thereto, shall be deemed and taken to be a public act.

SEC. 32. That for the purpose of bringing this act before the qualified voters of said city for their adoption, it shall be the duty of the mayor, or in case of his death, resignation, or refusal, or inability to act, then of the common council, to appoint some suitable person as inspector, and cause a poll to be opened at the office of said mayor, and an election to be there had, for the purpose of enabling the qualified voters of said city to express their assent to or dissent from the adoption of this act, which said election shall take place on the second Monday in March, 1847, between the hours prescribed in other cases of elections in said city, and shall be conducted in the same manner, and the judges and clerks thereof chosen in the same way, and all the officers thereof governed by the same rules and regulations as in other cases of elections in said city; but it shall be the duty of the mayor, or in case of his death, resignation, refusal, or inability to act, then of the common council, to cause this act, together with the survey hereinbefore, in section fourteen, required, to be published in some newspaper printed in said city and having a general circulation therein, for three weeks successively immediately preceding said second Monday in March next: And if at such election a majority of all the legal votes cast be in favor of the adoption of this act, then and in that case the same shall be and remain in full force, as hereinbefore provided; but if a majority of all the legal votes cast at such election be against the adoption of this act, then and in that case the same shall be null and void; and

for the purpose of enabling the officers of such election distinctly to know who may be and who may not be in favor of the adoption of this act, no ticket shall be counted for or against the adoption of this act, unless such ticket contain one or the other of these sets of words, namely: "For the act," or "Against the act."

SEC. 33. It is hereby made the duty of the Secretary of State to forward a certified copy of this act to the mayor of said city immediately after its passage.

CHAPTER VIII.

An Act for the relief of Michael McCall.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Treasurer of State be and he is hereby directed to pay to Michael McCall, out of any funds in his hands arising from the Wabash and Erie canal, the sum of thirteen hundred and seventy-nine dollars and seventy-four cents, being the balance due him for work and labor done on said canal, under a contract with the State, bearing date September 11, 1838.

SEC. 2. This act to be in force from and after its passage.

CHAPTER IX.

An Act making an appropriation for the arrest of Silas Doty, a fugitive from justice.

[APPROVED JANUARY 18, 1847.]

WHEREAS, One Silas Doty was confined in the jail of Steuben county, under a charge of murder, from which he escaped by breaking jail and fleeing to the State of Kentucky: AND WHEREAS, S. P. Morgan, at considerable expense and trouble, pursued him into Kentucky, and arrested and safely conveyed him to the jail of Steuben county, a distance of two hundred and fifty miles or more: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Sylvester P. Morgan be and he is hereby allowed the sum of twenty-three dollars and sixteen cents, for time and expenses incurred in arresting and securing Silas Doty, a fugitive from the county of Steuben, in this State, to be paid out of any moneys in the State treasury not otherwise appropriated.

SEC. 2. That William Lee be and he is hereby allowed the sum of sixty-five dollars and fifty-seven cents, for his time and expenses incurred in assisting [in] the removal of said Doty, from Louisville, Kentucky, to Steuben county, in this State, to be paid out of any moneys in the State treasury not otherwise appropriated.

SEC. 3. That John P. Hedges be and he is hereby allowed the sum of ninety dollars and eighty-seven cents, for his time and expenses incurred in assisting [in] the removal of said Doty from Louisville, Kentucky, to Steuben county, in this State, to be paid out of any moneys in the State treasury not otherwise appropriated.

SEC. 4. This act to be in force from and after its passage.

CHAPTER X.

An Act authorizing the Secretary of State to make a deed in a certain case.

[APPROVED JANUARY 18, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Secretary of State, as agent of State for the town of Indianapolis, be and he is hereby authorized and required to convey, by sufficient deed of conveyance, to Samuel V. B. Noel and Thomas R. Noel, lots numbered ten, eleven, and twelve, in square numbered thirty-two, in the town of Indianapolis: *Provided*, That such evidence shall be adduced to the said agent as shall satisfy him that the above named persons are entitled to such deed of conveyance.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER XI.

An Act to provide for a settlement with the superintendent of the State Prison.

[APPROVED DECEMBER 21, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That for the purpose of settling the accounts between the State of Indiana and Joseph R. Pratt, growing out of the contract between said Pratt and John McDougal on the one part, and the State of Indiana on the other part, in relation to the State Prison, and all other subsequent contracts in relation to the same matter, in which said Pratt is in any way concerned with said State, John Elder, Lucien Barbour, and E. J. Peck be and they are hereby appointed commissioners, whose duty it shall be to repair to the State Prison on a day to be agreed upon by themselves, and make estimates of the work done on said prison, until the whole estimates are completed, and when the entire estimates and adjustment of all the work and accounts shall have been made by the above appointed individuals or a majority of them, a balance shall be struck, and report thereof made to the Legislature, subject to its confirmation and ratification: *Provided*, That if either, any, or all of said commissioners refuse to accept their respective appointments, or fail to meet on a time appointed by them, or a majority of them, their place shall be filled as follows: The place of Elder to be filled by Pratt, the place of Barbour to be filled by the Governor of the State, and the place of Peck by the other two commissioners.

SEC. 2. The said commissioners so appointed, before proceeding to the performance of their duty, shall take an oath faithfully and impartially to discharge the duties assigned them as such commissioners.

SEC. 3. The said commissioners shall have power to appoint a clerk, whose duty it shall be to keep a record of their estimates and proceedings; and they may also, if they deem it necessary, call in practical mechanics, and others, and hear from them facts and opinions in relation to prices of work done, when the rate is not specified in the contract; and in their estimates of all such work, said commissioners shall be governed as far as practicable by the rates and prices usually charged for such work at the time when it was done; and shall also take into their consideration all insufficiencies of any work done in whole or in part, and if any such is found to exist, to make a proportionable deduction from the amount that would be otherwise due: They shall also take into their consideration the profitableness to said Pratt on the work done on the prison, as compared with that on the work yet to be done on the same, and make such deduction, or allowance, or disallowance to the said Pratt as is right and proper; and said commissioners shall allow for the iron on hand, the nett cost of the same, or what it is now worth, and shall also allow for the

iron partially worked before the order to suspend the same was given, such price as is right and proper under the contract, and in all things shall make on the above principles a just and equitable settlement between the parties.

SEC. 4. Said commissioners shall have full powers to issue subpoenas compelling the attendance of such witnesses as they may deem necessary, directed to any officer authorized to serve subpoenas, who shall serve the same as in other cases, and be allowed the same fees; and said witnesses shall be allowed the same fees as in cases in the circuit court, all to be paid out of said joint profits of said prison; and said commissioners shall have power to compel the attendance of such witnesses, by attachment, to be issued by them, and served by any officer who may have power to serve subpoenas as aforesaid; and they shall also be authorized to administer all necessary oaths or affirmations to said witnesses.

SEC. 5. The said commissioners shall receive a compensation of three dollars per day, and travelling expenses in going to and returning from the prison, and shall have power to determine the clerk's compensation, not to exceed three dollars per day, and expenses, as above, all of which shall be paid by the former superintendent of the penitentiary, out of the joint profits therefrom.

SEC. 6. Said commissioners shall in their report to the legislature specify the allowance by them made for each item separately; and also as compared with the price allowed by contract, if any, and the reason for any deviation therefrom which they may make.

SEC. 7. The act to provide for a settlement with the superintendent of the State Prison, approved January 20, 1846, be and the same is hereby repealed.

SEC. 8. This act to be in force from and after its passage.

CHAPTER XII.

An Act to locate a State road in the counties of Grant and Howard.

[APPROVED JANUARY 23, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That James Braffett and George F. Dunn, both of the county of Grant, and Tense Lindley, of the county of Howard, be and they are hereby appointed commissioners to view, mark, and locate a State road, commencing at Jonesboro', in Grant county, and following the county road to the north-west corner of David Jay's land; thence to the east end of Houseman's and Douglass's lane; thence west along the county road to a stake on Robert McCrack-

en's west line; thence south to the east end of Henry Shugart's lane; thence west to Nathan Small's, all of which points are in the county of Grant; thence on the nearest and best ground or route to Charles Fry's, in the county of Howard; and from thence on the nearest and most practicable way and route until it intersects the State road leading from Marion to Kokomo in the said county of Howard.

SEC. 2. The said commissioners shall meet on the first Monday of March next, in the town of Jonesboro' aforesaid, or as soon thereafter as may be convenient, and after taking an oath or affirmation faithfully to discharge their duties, or any two of them, shall proceed to view, mark, and lay out said road upon the route as proposed in the first section of this act, or as near so as the ground will permit; and in all things the said commissioners shall be governed by the laws now in force, except so far as the provisions of this act conflict with the same.

SEC. 3. The said commissioners may employ a surveyor, if they shall deem it necessary; and report their proceedings in writing to the boards of commissioners of the counties of Grant and Howard, at their next terms after they shall have made such location, which said boards of county commissioners shall declare said road a public highway, agreeably to the laws now in force regulating roads and highways; the said locating commissioners shall receive for their compensation the sum of one dollar and fifty cents per day each, one half of which expenses shall be borne by the county of Howard, and the other half by the county of Grant; and the said boards of commissioners shall make such other and further allowances for chain carriers, markers, or any other services, as they shall think right and proper.

SEC. 4. This act to take effect and be in force from and after its passage: And it is hereby made the duty of the Secretary of State to cause a certified copy of this act to be filed in the auditor's offices for the counties of Grant and Howard.

CHAPTER XIII.

An act for the relief of certain persons therein named.

[APPROVED DECEMBER 29, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the State treasurer pay Joseph Laclare of the town of Lebanon, State of Indiana, the sum of one hundred and fifty-seven dollars out of any moneys in the treasury not otherwise appropriated for money expended and services rendered, in going to the State of Kentucky and arresting and apprehending John Chrisman, a fugitive

from justice from this State, and conveying him to this State, by a requisition from the Governor.

SEC. 2. *And be it further enacted*, That the Treasurer of State pay to Nimrod Landers one hundred and fifty dollars, for money expended and services rendered in accompanying the said Joseph Laclare after the said John Chrisman, and in aiding in apprehending and conveying the said John Chrisman to Lebanon, Boone county, in this State.

SEC. 3. This act to be in full force from and after its passage.

CHAPTER XIV.

An Act relating to auditor's fees in Bartholomew county.

[APPROVED JANUARY 25, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board of county commissioners of the county of Bartholomew shall make such allowance to the auditor of said county as they shall deem reasonable and right for his services as auditor of said county: *Provided, however*, That such allowance shall not exceed five hundred dollars nor less than three hundred for his services per year: *Provided, however*, Nothing in this act contained shall be so construed as to deprive said auditor of the perquisites of said office paid by individuals.

SEC. 2. It shall be the duty of the auditor aforesaid to keep a true and correct account of all fees received by him by virtue of his said office, and report the same to the board of commissioners of said county annually.

SEC. 3. It shall be the duty of the auditor of said county to do and perform all the duties now required of him by law to do and perform.

SEC. 4. All laws and parts of laws conflicting with the provisions of this act be and the same are hereby repealed; and this act to take effect and be in force from and after its passage.

CHAPTER XV.

An Act to authorize Nelson Peck and Elmore H. Wilcox to continue a mill dam across the Iroquois river, in Jasper county.

[APPROVED JANUARY 25, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Nelson Peck and Elmore H. Wilcox, or either of them, or their heirs, or either of them, or either of their executors, administrators or assigns be and they are hereby authorized to continue a mill dam across the Iroquois river, in Jasper county, Indiana, and abutting on each side of said river, on the land of said Peck and Wilcox, on the south-west quarter of section twenty-five, in township twenty-nine north, of range seven west: *Provided, however*, That nothing herein contained shall be so construed as in any wise to affect the vested rights of any individual or individuals owning property on said river.

SEC. 2. The said Peck and Wilcox shall be allowed to keep up said dam to the height of three feet and three inches.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER XVI.

An Act exempting improvements on real estate from taxation in the counties of Kosciusko and Miami.

[APPROVED JANUARY 23, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all improvements on real estate in the counties of Kosciusko and Miami be and the same are hereby exempt from taxation for county purposes, to the amount of five hundred dollars.

SEC. 2. That all laws conflicting with the provisions of this act be and the same are hereby repealed.

SEC. 3. This act to be in force from and after its passage.

CHAPTER XVII.

An Act to secure to Ohio county a share of the common school and surplus revenue funds, and for other purposes.

[APPROVED JANUARY 6, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That George W. Lane, of Dearborn county, be and he is hereby appointed to make a fair and equitable distribution of the common school fund and the surplus revenue fund, heretofore managed and controled by the county of Dearborn, between the said county of Dearborn and Ohio.

SEC. 2. That all the moneys arising from the sale of all or any part of sections sixteen, within the territory of said county of Ohio, be and the same are hereby directed to be transferred to the said county of Ohio; and also all moneys arising as rents and profits for said sections numbered sixteen aforesaid, or any or either of them, and all interest due thereon.

SEC. 3. That from and after the first day of March, 1847, the proper authorities of Ohio county aforesaid, shall have the custody and control of said school sections numbered sixteen above mentioned, or any part thereof, which have not heretofore been disposed of by authority of law.

SEC. 4. That it is hereby made the duty of said George W. Lane to transfer to the proper authorities of the said county of Ohio a full, fair, and equitable proportion of the surplus revenue fund heretofore appropriated to the county of Dearborn for common school purposes, according to the relative number of polls in said counties of Dearborn and Ohio.

SEC. 5. That in making said distribution, said George W. Lane shall and he is hereby fully authorized to transfer to the proper authorities in the said county of Ohio, any and all evidences of indebtedness for and on behalf of the funds aforesaid, and in doing so he shall have the privilege of looking to the locality of the debtor, whenever the same can be done without manifest injustice.

SEC. 6. That so soon as the said George W. Lane shall have made the necessary arrangements for said distribution, he shall make a report in writing to the boards doing county business in Dearborn and Ohio counties, and shall make all the transfers necessary to be made under the provisions of this act.

SEC. 7. That if either of the aforesaid boards doing county business shall be dissatisfied with said division, distribution, and transfer as aforesaid, they shall have the power, on giving ten days' notice to the other board, and the same notice to said George W. Lane, to appoint one of their body, and the other board shall make a like appointment of one of their body, and they two, together with said George W. Lane, shall review said division, distribution, and transfer,

and shall correct the errors therein, (if any) and shall make a fair and equitable division and distribution of said funds; and the board doing county business in the county of Ohio shall make to said George W. Lane a reasonable allowance for his services herein, to be paid from the treasury of Ohio county.

SEC. 8. This act to take effect and be in force from and after its publication in the "Indiana Blade," which publication shall be at the expense of Ohio county.

CHAPTER XVIII.

An Act to amend an act entitled "An act for the relief of the securities of William H. Darnall, late school commissioner of Hendricks county," approved January 19, 1846.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That an act entitled "An act for the relief of the securities of William H. Darnall, late school commissioner of Hendricks county," approved January 19, 1846, be and the same is hereby so amended that the auditor of said county is authorized to sell any lands contemplated in the provisions of said act, to either the said William H. Darnall, or his securities, or either or all of them: Said sale to be in all other respects in accordance with said act.

SEC. 2. If the said William H. Darnall and his securities shall not have complied with the provisions of said act, in the purchase of said lands of the county auditor on or before the first day of June, 1847, it shall then be the duty of the county auditor and school commissioner of said county to proceed to sell so much of the said lands bid in by the county auditor as then remains unsold, in the same manner and under the same rules and regulations as lands donated to common schools are sold, except that the same shall be sold on a credit of ten years.

SEC. 3. This act shall be in force from and after its passage; and the Secretary of State is hereby required to immediately forward a certified copy of this act to the auditor of Hendricks county, to be filed in his office.

CHAPTER XIX.

An Act for the safe-keeping of the records of Ohio county.

[APPROVED JANUARY 18, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be lawful for the board of county commissioners of Ohio county to designate and fix upon the room or place where the clerk of the circuit court of said county shall keep his office: *Provided,* That the same shall be kept in the town of Rising Sun, in said county.

SEC. 2. That all laws conflicting with the provisions of this act, so far as said county is concerned, be and the same are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its publication in the "Indiana Blade."

CHAPTER XX.

An Act authorizing the collection of certain taxes therein named.

[APPROVED JANUARY 23, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the present and future collectors and treasurers of the county of Howard shall have as full power and authority to collect all taxes assessed for 1845 in what is commonly called the one mile strip in said county, as if said strip, at the time the taxes for 1845 were assessed therein, had been within the territorial limits of said county: *Provided,* That if any person or persons have paid their tax, or any part thereof, for the year 1845, in the county of Carroll or Howard, such payment shall be considered as good, any thing in this act contained to the contrary notwithstanding.

SEC. 2. This act to be in force from and after its passage.

CHAPTER XXI.

An Act to incorporate the city of Indianapolis.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all that part of Centre township, in the county of Marion, east of White river, donated by the United States to the State of Indiana, for a permanent seat of Government, be and the same is hereby erected into a corporation, by the name of "The City of Indianapolis."

SEC. 2. That for the governing of said city and the inhabitants thereof, there shall be elected one person to serve as mayor, and one councilman for each ward of the city: The mayor, after the first election, shall serve two years, and the councilmen one year, and until their successors are elected and qualified; and the mayor elected at the first election under this act shall serve until the last Saturday in April, in the year 1849, and until his successor is elected and qualified; and the councilmen elected at the first election, shall serve until the last Saturday in April, in the year 1848, and until their successors are elected and qualified: *Provided,* That the councilmen elected in pursuance of the provisions of the act "to incorporate the town of Indianapolis," approved February 17, 1838, for the fifth, third, and first wards, as constituted by the aforesaid act, shall serve as councilmen for the fifth, sixth, and seventh wards, as hereinafter constituted by this act of incorporation, until the regular annual election in 1848, and until their successors are elected and qualified.

SEC. 3. No person shall be eligible to the office of mayor who is not a citizen of the United States, twenty-five years of age, and who shall not have resided in said city two years next preceding his election; and no person shall be eligible to the office of councilman who shall not have resided in the ward for which he may be elected, six months, and in the city one year next preceding his election; and no person shall be qualified to vote for mayor and councilmen who has not resided for the last six months preceding the election in the city, and if not a householder, who has not resided for the last twenty days preceding the election, in the ward in which he may offer his vote, and who shall not be a citizen of the State of Indiana; and no person shall be qualified to hold any office in said city under this act, or to vote, who is not twenty-one years of age, at the time of the election, and a white male citizen of the United States: The place of boarding shall be considered the residence of such voters as are not householders.

SEC. 4. That at the first election for mayor and councilmen under this act, the election shall be conducted in the mode provided

in the act for the election of township officers, as far as may be applicable; and on the Monday succeeding the day on which said election shall be held, the judges and clerks of the several ward elections shall meet at the council chamber in said city, and a majority of said judges shall examine the poll books and tickets, if required by any voter; and the judges and clerks so assembled shall give to the person having a plurality of votes at said election for mayor, a certificate of his election; and to the persons severally having a plurality of votes, in their respective wards, for councilmen, certificates of their election; and each of said officers shall, within five days after notice of his election, take an oath or affirmation to support the constitution of the United States and of this State, and faithfully and impartially to discharge the duties of his office; which oath or affirmation shall be endorsed on the certificate of his election.

SEC. 5. The mayor, before entering upon the duties of his office, shall give bond and security for the faithful discharge of the duties of his office, in all respects as is required of justices of the peace; which bond shall be taken, approved, and filed, as is provided in cases of bonds given by justices of the peace, and may be put in suit from time to time, and recovery had by all persons aggrieved by the official acts of such mayor.

SEC. 6. The mayor shall be a conservator of the peace within said city, and shall have all the power and authority, rights, jurisdiction, and immunities of a justice of the peace, to be exercised within said city, and shall be authorized to direct any process by him issued to the marshal of the city, or to the sheriff of the county, who shall be bound to serve and return the same, as they are bound to serve and return other process; and said mayor shall be empowered upon view, or upon information verified under oath or affirmation, of the violation of any penal law of the State, or of any ordinance of the city, to issue his warrant under his seal, and cause the person charged with such violation, to be brought before him, and to summon witnesses and issue attachments therefor, and hear and determine any and all such accusations, and recognize the accused to appear before the circuit court to answer the charge, and in default of such recognizance to commit him to the jail of the county, to impose fines, and render judgments, and award executions thereon, and to allow and tax fees to witnesses, correct the fees of officers, and generally to do all acts in the premises which a justice of the peace may do to hold his court and enforce his judgments; and when any person shall be convicted and adjudged guilty by him of any offence against the laws of this State, or the ordinances of said city, said mayor shall have power to impose a fine on such person, or to cause him to be imprisoned in the county jail, not exceeding twenty days, as may be provided by such ordinance, or by the laws of the State; and all judgments rendered by the mayor shall have the force and effect of judgments rendered by

justices of the peace, and may be replevied in like manner: The mayor shall be entitled to receive the same fees and costs as a justice of the peace for similar services, and to collect the same in like manner: *Provided*, That the city shall not be liable to the mayor, marshal, sheriff, jurors, or witnesses for any costs, unless the same shall be specially allowed by the council.

SEC. 7. The marshal, sheriff, jurors, and witnesses shall be entitled to the same fees for services in causes and trials before the mayor, that are now allowed, or may be hereafter allowed, for similar services before justices of the peace; and all process issued by the mayor, in cases for the violation of the laws and ordinances of the city, or the laws of the State, may be served in any part of the county of Marion.

SEC. 8. The city council, (two thirds of the members of which shall constitute a quorum to transact business,) shall and may from time to time, hold sessions of their body, in said city, at such place as they shall appoint, and shall have full power and authority at such sessions, to pass and publish all such laws and ordinances, as to them shall seem necessary, relative to the regulation and improvement of streets, alleys, side-walks, roads, and highways, to clearing, raising, draining, turnpiking, McAdamizing, or otherwise making and keeping the same in repair; to making, causing, and requiring the owner or owners of in-lots to pave or otherwise improve the side-walks in front of his or their respective in-lots; to establish and regulate markets; to regulate the inspection of flour, beef, and pork; the sale of hay and wood in the city; the cabs, hacks, omnibuses, and other carriages carrying passengers, and running in the city for gain; the assize of bread from time to time; to restrain or regulate swine running at large within the city: *Provided*, That nothing herein shall be construed so as to subject hogs, sheep, cattle, horses, or other animals not belonging to the city to be abused, taken up, or sold for coming in and passing through the city. To regulate buildings, public and private, planting trees for ornament or use, public or private; to cleaning of chimneys; to dogs running at large or being kept in the city; to preventing and extinguishing fires in the city; to regulate the height and extent of fences before door-yards; and, to provide by ordinances, for imposing reasonable fines and penalties upon all persons violating the laws and ordinances, as the said city council shall deem necessary and proper for the health, safety, cleanliness, convenience, and good government of the city, and the inhabitants thereof, not contrary to the laws of the United States, or of this State, all of which laws and ordinances, passed as aforesaid, shall be kept by the mayor, and shall be published in two public newspapers in the city; after which publication the same shall be in force, and so shall remain until repealed or annulled by the city council, or adjudged unconstitutional by the circuit or supreme court of the State.

SEC. 9. The city council shall appoint a secretary, treasurer,

marshal, commissioner of streets, attorney, and such other officers for the city as they shall deem necessary to carry into effect the powers herein granted, so as to promote the best interest of the inhabitants of the city, and shall prescribe the duties of such officers not inconsistent with the provisions hereof. Before the treasurer or marshal shall enter upon the duties of his office, he shall be required by the city council to execute bond with good free-hold security, to their acceptance, for the faithful discharge of the duties of his office, in such penalty and with such condition as the council shall prescribe. And it shall be the duty of the council to require bond and good free-hold security from all officers by them appointed, in like manner, any and all of which bonds may be put in suit by all persons aggrieved by the official acts of such officers, and certified copies of the bonds shall be sufficient evidence of their existence and validity.

SEC. 10. The marshal shall have the power and authority, and liabilities of a constable of any township, within the city; and it shall be his duty to attend all meetings of the city council, and carry into effect their orders, and to serve and return all process directed to him by the mayor; and to discharge such other duties, relative to the police of the city, as may be required of him by the ordinances passed by the city council.

SEC. 11. It shall be the duty of the treasurer to collect, receive, keep, and disburse, on the warrant of the city council, all moneys required to be collected by him, or which shall come to his hands by virtue of his office, and faithfully to account for the same, in manner as the city council shall from time to time prescribe or require.

SEC. 12. The city council shall meet on the first Monday in each month, and at any other time they may deem necessary; and the president thereof shall have power to call a meeting in cases of emergency. They shall elect one of their body president, who shall preside over the sessions, and shall sign all orders, laws, and ordinances of the city council; and his signature, as president, with the attestation of the secretary, under the seal of the city, shall be *prima facie* evidence of the validity thereof: and said city council shall audit and allow all claims against the city, and make all appropriations, and issue all warrants for the payment thereof.

SEC. 13. The treasurer, secretary, marshal, attorney, assessor, commissioner of streets, and all other officers appointed by the city council, shall hold their offices until the next annual election after their appointment, and until their successors are appointed and qualified, and shall receive for their services to the corporation such annual compensation as the city council shall by ordinance fix or allow, a majority of all the councilmen elect concurring therein; which shall not be enlarged or diminished during the term of the officer so appointed, and no extra allowance shall be made to such officer, unless by a vote of two thirds of the councilmen elect; upon

which vote the same shall be taken by yeas and nays, and be entered on the journal of proceedings of the council: *And provided*, That the compensation to the treasurer shall not exceed five per centum on the amount collected by him on the duplicates. And all of said officers shall be subject to be removed from office by the city council, (two thirds of the councilmen elect concurring therein,) for malfeasance in office, habitual drunkenness, or other conduct, or neglect of duty, as shall make such removal necessary and proper: *Provided*, That no such removal shall take place until the officer shall have been furnished with a written statement of the causes of complaint against him, and shall have an opportunity of being heard before the council in his defence; and the council shall have full power to fill all vacancies in such offices.

SEC. 14. The mayor shall keep a docket in which he shall enter the causes brought before him, and shall, on request of either party, and the payment of his fees, make and certify transcripts of his proceedings and judgments, which shall have the force and effect of transcripts from justices of the peace of their judgments and proceedings, and may in like manner be filed in the clerk's office of the circuit court, and shall bind lands, and proceedings thereon, shall be had to execution, as are provided in cases of transcripts from the judgments of justices of the peace; and an appeal in all cases, (except from judgments by confession,) shall be allowed to either party from the judgment of the mayor to the circuit court, subject to the provisions of law regulating appeals from the judgments of justices of the peace; and the trial by jury shall remain inviolate in all proceedings before the mayor, when the amount in controversy, or the penalty that may be imposed, shall exceed twenty dollars, or when imprisonment for a violation of the laws or ordinances of the city may be imposed; or in cases when a jury shall be allowed by the laws of the State, before justices of the peace: in which cases the jury shall fix the amount of the fine or penalty, and the extent of the imprisonment, not inconsistent with the laws of the State, and the by-laws and ordinances of the city; and upon all such trials it shall be no legal objection to the mayor, marshal, sheriff, jurors, or witnesses, that they may reside in the city, and be subject to pay a corporation tax for the use of the city; and all process shall run in the name of the State of Indiana, and shall be signed and sealed by the mayor, except summonses for witnesses, which may not be sealed.

SEC. 15. The city council shall be allowed the use of the jail of Marion county, and all persons imprisoned therein under the authority of this act, shall be under the charge of the keeper of the county jail, as if committed by a justice of the peace.

SEC. 16. It shall not be lawful for any person or persons within the bounds of said city, as specified in the first section of this act, to sell by a less quantity than by one quart at a time, any spiritous liquors, foreign or domestic; nor shall it be lawful for any

person or persons to keep what is commonly called a "tipling house," or any other house to vend spirits, foreign or domestic, by a less quantity than one quart at a time, unless such person or persons shall in addition to a license obtained from the board of county commissioners, obtain license from the city council, who is hereby authorized to grant the same to such applicant for one year, on his, her, or their paying into the treasury of the corporation, a sum not exceeding one hundred dollars, at the discretion of the city council; and if any person or persons shall sell any spiritous liquors, or keep what is commonly called a "tipling house," or any other house within said limits contrary to the provisions of this act, he, she, or they so offending, shall in any action of debt, upon conviction thereof, before the mayor, be fined in any sum, not more than one hundred nor less than fifty dollars, for the use of the city council: *Provided*, That this section shall not be so construed as to conflict with any law now in force, or which may hereafter be in force, prohibiting the sale of spiritous liquors in Centre township, in the county of Marion. And for the better regulation of the peace and good government of the city, the city council is hereby authorized to pass and adopt laws or ordinances for the suppression of immorality, intoxication, rioting, or whatever may detract from the peace and good order of society.

SEC. 17. The city of Indianapolis shall be divided into seven wards, as follows: All that part of said city bounded on the south by Washington street, on the west by Alabama street and the Fort Wayne state road, and on the north and east by the donation line, shall constitute the first ward; all that part of said city bounded on the south by Washington street, on the west by Meridian and Circle streets, running east of the Governor's circle, and a line dividing out-lots numbered one hundred and seventy-one and one hundred and seventy-two, on the north of the donation line, and on the east by the Fort Wayne state road and Alabama street, shall constitute the second ward; all that part of said city bounded on the south by Washington street, on the west by Mississippi street, and the line dividing out-lots numbered one hundred and sixty-eight and one hundred and sixty-nine, on the north by the donation line, and on the east by the western boundary of the second ward, shall constitute the third ward; all that part of said city bounded on the south by Washington street, on the west by White river and the donation line, on the north by the donation line, and on the east by the western boundary line of the third ward, shall constitute the fourth ward; all that part of said city bounded on the north by Washington street, on the west by White river, on the south by the donation line, and on the east by the Bluff state road and Illinois street, shall constitute the fifth ward; all that part of said city bounded on the north by Washington street, on the west by Illinois street and the Bluff state road, on the south by the donation line, and on the east by the Madison state road and Delaware street, shall constitute the

sixth ward; all that part of said city bounded on the north by Washington street, on the west by Delaware street and the Madison state road, and on the south and east by the donation lines, shall constitute the seventh ward: each of said wards running to the centre of the streets bounding the same.

SEC. 18. All suits for the violation of the laws and ordinances of the city shall be brought in the name of "The city council of Indianapolis," before the mayor of the city, and all bonds given by the officers elected or appointed under this act shall be made payable to "The city council of Indianapolis," and shall not be void or satisfied upon the first recovery, but may be put in suit from time to time by the party aggrieved by the official acts of such officers.

SEC. 19. Should the mayor of the city die, remove out of the city, resign, be removed from office, or otherwise vacate his office, it shall be the duty of the city council forthwith to proceed to elect a mayor having the necessary qualifications for the office, and in such elections the vote of a majority of all the councilmen elect shall be necessary to a choice, and the vote shall be taken *viva voce*, and shall be endorsed on the journals of the proceedings of the council; and the mayor thus elected shall give bond, take an oath of office, and have all the powers and jurisdiction of a mayor elected by the people, and shall be entitled to the docket of his predecessor, to proceed thereon and give transcripts thereof, and shall hold his office for the residue of the term unexpired of his predecessor; and in like manner should the office of a councilman become vacant, it shall be the duty of the city council by a like vote to fill such vacancy by electing a councilman for the proper ward, possessing the necessary qualifications, who shall in like manner take an oath, and hold his office for the unexpired term of his predecessor.

SEC. 20. The members of the city council shall each be entitled to receive twenty-four dollars per annum for his services; and he shall not be eligible to hold any other office under this act in the city while he continues to be such member; nor shall he hold or make any contract with the city council, or become interested in any job by which he shall in any way directly or indirectly receive any pay or compensation whatever, except when he shall be the lowest bidder at a public or competition bid; and all contracts made in violation of this section shall be void, and no money or pay shall be voted by the city council to pay them the same.

SEC. 21. When any law or ordinance shall be passed by the city council, the secretary thereof shall without delay present an enrolled draft of the same to the mayor, who, if he approves thereof, shall sign it, and thereafter it shall be published as herein provided, and shall be in force; but if he shall disapprove of the same, he shall within one week return it to the city council, or to their secretary, with his objections in writing, and the same shall not become a law unless a majority of all the councilmen elect shall vote for it, which vote shall be taken by yeas and nays, entered on the journals, and

published with the law or ordinance, which shall be in force without the signature of the mayor; and no law or ordinance shall be passed by the city council, nor tax levied, nor assessment, contract, or appropriation made, but by a vote in the affirmative of a majority of all the councilmen elect.

SEC. 22. The city council shall have power to levy and collect a tax or license money on all concerts, theatres, shows, exhibitions, auctions, pedlars, and amusements within the city, and to pass such laws and ordinances as may be necessary to guard against fire, to organize fire companies, and to govern the same, and to regulate the duties and conduct of the inhabitants of the city in relation thereto, to regulate and govern the markets, to tax itinerant or transient auctioneers of sales at auction of goods, wares, property, or merchandise, not belonging to any citizen of the county of Marion, but no such auction tax shall be assessed upon any person who shall have been six months next preceding such auction a citizen of said county, and no such tax shall be assessed upon the sales of household goods, farming stock or utensils, or such sales of property, other than foreign merchandize. The city council shall have power by ordinance to prevent the erection or keeping up public nuisances within the city, and to abate and remove the same, and to enforce by proper penalties the observance of all laws and ordinances relative to the police and government of the city, not inconsistent with the laws of the State of Indiana.

SEC. 23. No tax for license on any of the matters contained in the twenty-second section of this act, or upon any auction shall exceed the sum of fifty dollars for any one day; and no tax shall be levied, nor license required from the city for any concert, theatre, show, exhibition, or amusement not made or exhibited for gain, nor for any literary or scientific exhibition, if in the opinion of the mayor it shall be of that character. All taxes for license shall be paid to the treasurer of the city before the license shall be granted, and upon his receipt being filed with the secretary he shall make out and attest a license to be signed by the president of the council, who shall sign the same; but the rates of all licenses shall be fixed by the city council, and for all violations of any law or ordinance regulating the same, suit shall be brought before the mayor in debt as in other cases.

SEC. 24. The printed ordinances and acts of the city council published in a book kept by the council, or a certified copy of the same shall be *prima facie* evidence of the validity of such laws and ordinances.

SEC. 25. The act approved January 15, 1844, entitled "An act relative to the city of Indianapolis, authorizing the repair and control of, and otherwise relating to the draining of the ditch north-east of Indianapolis," and all the provisions thereof shall be, and continue in force, and constitute a part of this act.

SEC. 26. No suit brought before the mayor shall be dismissed or

delayed for want of form in any pleading, cause of action, or form of action, and no costs shall be awarded against either party, on account of any amendments of such matters; and all fines and penalties imposed and collected for the violation of the laws and ordinances of the city shall be paid into the city treasury for the use of the city.

SEC. 27. The corporation of the city of Indianapolis shall have exclusive jurisdiction over all streets, roads, and alleys, and water courses within the city for the purpose of opening and keeping the same in repair; and it shall be the duty of the city council to provide by ordinance for keeping in repair all streets, roads and alleys within the limits of the city, and to build and keep in repair all bridges, (except bridges over White river,) over all water courses crossing such of the public streets and roads within the limits of the city, as the city council shall declare by such ordinance, it is necessary and proper to have bridges erected over, so as to secure the safe passage over the same of the inhabitants of the city and others crossing and re-crossing the same. *Provided*, that the bridges now erected shall be continued; and for wilful refusal or neglect to repair any such bridges within a reasonable time, after three days notice of the want of such repairs of any of said bridges, to be served in writing on the president of the city council, the corporation of the city shall be liable to all persons injured by such neglect or refusal to repair such bridges for all damages sustained by such persons injured thereby.

SEC. 28. Each able-bodied white man over twenty-one and under fifty years of age, in the city of Indianapolis, and who has resided three months in the city at the time of assessment, shall be required to pay a road tax of one dollar, to be applied to road purposes, which tax may be discharged by two days' work on the streets or roads in the city, under the direction of the proper commissioner of streets of the city.

SEC. 29. The city council shall have power to lay off the city into suitable districts for common schools, and to provide by ordinance for erecting the necessary buildings, and the appointing of suitable teachers and superintendents therefor: *Provided*, That the city council shall not be authorized to lay a tax of more than one-eighth of one per cent. upon the annual assessment for that purpose; which tax for that purpose the city council is authorized and empowered hereby to levy and collect.

SEC. 30. It shall be optional with the city council to adopt the county assessment of taxable property and polls within the city as the basis of taxation for the year, or to appoint a city assessor for the year, as under the circumstances they shall deem best.

SEC. 31. All stock or capital in the Indianapolis Branch Bank of the State Bank of Indiana, held by individuals, corporations, or companies, as well as all other real or personal property held by said branch bank and the stockholders thereof, in their corporate capaci-

ty, and situated within the corporate limits of the city of Indianapolis, is hereby declared to be subject to taxation by the city council of said city for corporation purposes: it is hereby made the duty of the acting cashier of said branch bank to furnish the assessor with the amount of stock, capital, and property herein declared to be subject to taxation; and it is further made the duty of the officers of said branch bank to pay over to the proper officer out of the dividends of said bank the amount of taxes levied by the corporate authority of the city of Indianapolis: *Provided*, That nothing in this act shall be so construed as to authorize said city council to impose any greater amount of tax on said bank stock and property than the maximum of taxes specified in the bank charter, and the amendments thereto, of the State of Indiana.

SEC. 32. No tax upon the real and personal property in said city shall be levied by the city council, exceeding fifteen cents, (in addition to that levied for common school purposes) on each one hundred dollars of the annual assessment, without a vote of a majority of citizens liable to taxation being first had assenting to a greater amount. And whenever a greater tax shall be needed, it shall be the duty of the council to make the specific sum known by an ordinance, directing how the vote thereon shall be given by the citizens liable to pay the same: *Provided*, That such vote shall be taken at the annual election of councilmen in the month of April.

SEC. 33. The city council shall, at their first meeting under this act, or as soon thereafter as may be practicable, and each year thereafter, appoint one or two suitable persons commissioners of streets, who shall hold office until the next annual election of councilmen, and until his or their successor or successors are appointed and qualified; and it shall be the duty of such commissioner or commissioners to keep the streets, roads, and alleys in the city in repair, and to superintend the hands working thereon, and to perform such other services relative thereto as may be required of him [or them] from time to time by the city council.

SEC. 34. The election of mayor and councilmen may be contested as follows: That of the mayor before the president of the council; and that of a councilman before the mayor; and said contests shall be governed in all respects by the laws in force regulating contested elections of county offices: *Provided*, That said contests shall be commenced within ten days next after the election of either of said officers.

SEC. 35. The mayor, or any councilman, may be removed from office for mal-conduct, habitual drunkenness, or the commission of high crimes and misdemeanors; and all such proceedings against the mayor shall be had upon information upon oath or affirmation, filed before the president of the council; and all such proceedings against a councilman shall be had upon information upon oath or affirmation filed before the mayor; which officers are respectively authorized and empowered hereby to try the same; and all such proceed-

ings shall be had in the name of the State of Indiana; and the defendant shall have a right to a fair and impartial jury trial, and to challenge ten jurors peremptorily; and upon conviction of any of such offences, judgment of removal from office, with costs, shall be given, from which judgment an appeal shall be allowed to the circuit court, where the case shall be tried upon its merits, and if the judgment shall be affirmed, the court shall further adjudge that the defendant shall not be eligible to hold any office under this act for two years thereafter.

SEC. 36. All suits, actions, and prosecutions for penalties, or violations of the by-laws or ordinances of the city shall be brought within one year after the violation complained of, unless the offender shall not during all of said time have resided in the city, and been subject to its process, and in that case such prosecution, action, or suit shall be commenced within one year next after the defendant shall have been continuously within the jurisdiction of the mayor, and upon all judgments rendered for violations of the laws or ordinances of the city, or against officers of the corporation and their sureties, there shall be no appraisalment or valuation of property; and on recoveries against defaulting treasurers or marshals, ten per cent. in damages shall be added to the judgment rendered, upon which there shall be no appraisalment or valuation of property.

SEC. 37. All laws and parts of laws heretofore passed incorporating the town of Indianapolis, shall be and stand repealed after the last Saturday in March, 1847, and the term of all officers, elected or appointed, and all offices created under the aforesaid laws incorporating the town of Indianapolis, shall expire and be discontinued as soon as this act shall take effect, except as provided in the second section of this act; and all ordinances and by-laws not inconsistent with this act, in force at the time this act shall take effect, shall continue in force until repealed by the city council elected under this act; and all the officers under said town of Indianapolis shall, on the expiration of their term of office, account to the city council elected under this act for all the moneys and papers in their hands, and all vested rights and contracts created or made under this act, and all suits and rights of action existing or pending under former acts incorporating the town of Indianapolis, shall be prosecuted as if this act had not been passed.

SEC. 38. It shall be the duty of the city council to keep a record of all its proceedings, to be drawn up each day by the secretary, and signed by the president of the council, copies from which, certified by the secretary and signed by the president, and sealed with the city seal, shall be evidence of the same in all courts and elsewhere; and it shall be the duty of the city council to devise and keep a corporate seal, which shall be entered on their records, and all the official acts, orders and copies of records of said city council, and all process and official acts of the mayor shall be sealed therewith.

SEC. 39. That if the city council shall elect to appoint an assessor, he shall be appointed in the month of May in each year, and shall take an oath of office, and give bond and security, to be approved by the city council, conditioned for the faithful discharge of his duties as assessor; he shall proceed forthwith to make a fair list, in alphabetical order, of all persons subject to a poll tax, and such personal property as the city council may direct him to assess; also, all lands, lots, and fractions of lots, liable to taxation for State and county purposes, situate within the donation limits of said town, shall be valued, and taxes shall be levied thereon according to their cash value, for the purpose of raising a revenue for the use of said town, and all polls situate within said limits, shall also be liable to taxation as provided in this act. The said assessor shall be required to particularly note the numbers of square and lot, and to make other full description, to give the owners' names, if known, whether resident or non-resident; and having completed such assessment, he shall on or before the first day of July, next succeeding, make return to the city council of such assessment.

SEC. 40. The city council shall have power to levy and collect a poll tax on each white male citizen, who shall have resided within the city thirty days, not exceeding one dollar; and the city council shall, in the month of July in each year, levy a tax on such polls; and property so assessed and returned by the assessor, and make out a fair list of all persons taxable with a poll tax, road tax, and with personal or real property with its valuation, setting forth the owner's name, if known, the amount of tax chargeable to each person, and the amount charged on each article, and shall deliver the same to the treasurer who shall collect the same; and said list, certified by the secretary, signed by the president of the city council, and sealed with the city seal, shall be sufficient authority for the treasurer to collect the same by the first day of October, in each year, and in all cases if the taxes are not paid by that time by any individual, it shall be the duty of the treasurer to proceed and collect the same by distress and sale of any of the personal property of such delinquent by giving ten days' notice of the time and place of such sale by setting up three advertisements, in public places in the city, and selling no more property than shall be necessary to pay the taxes due and costs.

SEC. 41. In all cases where the tax due and owing, cannot be made of such goods and chattels it shall be the duty of the treasurer to make sale of the lands, lots or fractions of lots belonging to such person, or so much thereof as will pay the tax and costs due, by giving twenty days' notice of the time of such sale in a newspaper published in the city, in which notice he shall particularly describe the lots, lands, and parts of lots to be sold by their numbers, or some other certain description, with the owner's name, if known, or the person's name to whom it is supposed to belong. The treasurer shall, on the day of sale, by proclamation, proceed at the door of

the Court House, in the city, between the hours of ten o'clock, A. M., and six o'clock, P. M., and continue between the same hours from day to day, until the whole be sold, to sell the lands, lots and parts of lots to the highest bidder, or to the person who will pay the tax and costs due for the smallest portion of the lands or lots, selling no more than shall be required to make the amount of tax and costs due thereon; and upon the payment of the amount bid the treasurer shall give to such purchaser a certificate of such purchase, setting forth the quantity sold, the amount paid, and that such purchaser shall be entitled to receive a deed for the same, at the end of three years, unless the owner shall redeem the same on or before that time by paying to the purchaser, his heirs or assigns, the amount of the purchase money, with fifty per centum per annum thereon, or shall deposit the amount with the secretary of the city: *Provided*, That all lands and lots belonging to minors shall not be sold for non-payment of taxes, under any other terms or conditions than that such minor shall have the full right of redemption by paying the amount of taxes and costs with ten per centum interest per annum thereon until paid; and it shall be lawful for the person holding the certificate of purchase to pay the taxes thereon for any subsequent year before redemption, and to charge ten per centum per annum on the amount of such subsequent taxes, which shall also be paid by the owner of the property upon redemption, as is provided herein.

SEC. 42. That in case the owner of such property sold as aforesaid, shall not pay or deposit the amount of the purchase money, with the delinquent taxes paid by such purchaser, and the per centum thereon due within three years from the day of sale thereof, it shall be the duty of the mayor of the city to make a deed, under the seal of the city, to the purchaser or his assigns, upon the production of the certificate of purchase for the property therein described, which deed, acknowledged and recorded, shall vest all the right and title of the owner, in the purchaser and his heirs forever; and the assessments made on such lots or lands shall be a lien on the same in the hands of any person who may purchase the same at private sale, and no conveyance made by the owner of such lands or lots, after the time of such assessment, shall divest the purchaser thereof under this act of the title to such property: *Provided*, That when lands or lots are listed and sold in a wrong name, or when the owner's name is unknown, such sale is valid; and any and all deeds executed by the mayor of the city, shall be *prima facie* evidence of the regularity of such sale; and should any lands or lots remain unsold for want of buyers at the end of the third day's sale, the treasurer shall make return thereof, and the amount of the costs and taxes thereon, with fifty per centum thereon, shall remain a lien on such lands and lots, and shall be added to the next year's assessment on such lots and lands. The treasurer shall be allowed five dollars for each day's services in attending such sales and executing certificates to the purchasers, not exceeding three days; and the mayor of the

city shall be allowed fifty cents for each deed he shall execute and acknowledge: *Provided*, That all certificates owned by the same person shall be included in each deed, not exceeding three certificates to each deed. And the mayor shall execute and acknowledge all deeds to lots heretofore sold for taxes by the town of Indianapolis, to which deeds may be authorized by the laws heretofore in force in said town.

SEC. 43. The city councilmen herein provided for shall be one body corporate and politic, with perpetual succession, to be known and designated by the name of "The City Council of Indianapolis," and by that name they and their successors shall be able and capable to receive, acquire, hold and convey any real estate or personal property for the use of the city: *Provided*, That the clear annual income thereof shall not exceed four thousand dollars, and shall also be able and capable in law and equity, by the name aforesaid, of suing and being sued, of pleading and being impleaded in any action or suit, in any court in the State; and when a suit shall be commenced against the city council, the first process shall be a summons, an attested copy of which shall be left with the president of the council, or at his usual place of abode, at least ten days before the trial, or return day thereof, and if not served in time the cause shall stand continued for ten days.

SEC. 44. The city council, upon the return of the assessment as herein provided, shall fix a day of appeals at not more than ten days thereafter, and give notice thereof by not less than seven notices in writing, put up in the most public places in the different wards in the city; and shall, at such time, at the council chamber, hear and correct all illegal and unjust assessments that may be made known to them.

SEC. 45. This act shall be taken and regarded a public act; and it shall be the duty of the common council of the town of Indianapolis forthwith, after the passage thereof, to cause the same to be published two successive weeks, in two newspapers of the city; and on the last Saturday in March next, there shall be a poll opened in each ward in relation to this act, and upon each ticket shall be written the words "New Charter," or "Old Charter," by the voter; and the judges and inspectors of the ward elections, shall on the Monday next after the election, compare the vote and certify the result to the Governor, who shall forthwith issue his proclamation declaring the result; and if there shall be a majority of votes cast for the "New Charter," over the vote cast for the "Old Charter," the Governor shall declare this act to be in force; and after such proclamation this act shall be in full force; but if there shall be a majority of the votes cast for the "Old Charter," the Governor shall declare this act to be null and void, and that the charter of the town of Indianapolis be in force; and in either event, the next election for officers for the city or town of Indianapolis under this act or under the old charter, as the case may be, shall be held on the last Saturday in

April next, between the hours of one o'clock, P. M., and four o'clock, P. M., in each ward as organized by this act; and annually thereafter on the same day and between the same hours, shall an election be held for the several officers of the city, as herein provided.

SEC. 46. This act shall be so far in force from and after its passage as to require its publication, the election to be held by the people to vote upon its adoption, the proclamation of the Governor, and the present common council of the town of Indianapolis, and the city council created by this act are hereby authorized and required to appoint the necessary inspectors of elections, and to designate the several places of holding elections in the different wards, as laid off and constituted by this act, to carry the same into effect.

SEC. 47. The Legislature reserves the right to alter, amend, or repeal this act of incorporation at any time.

SEC. 48. Nothing in this act shall be so construed as to authorize said city council to levy and collect a tax for the establishment of free schools in the city of Indianapolis, as provided for in this act, unless so authorized to do by a vote of a majority of the legal voters of said city; and it is hereby made the duty of the present common council of the town of Indianapolis to cause a poll to be opened on the last Saturday in April, 1847, at the regular city election for that purpose; and the voter shall endorse upon the back of his ballot if he be in favor of the establishment of city free schools, "Free Schools," and if he be opposed to said schools, "No Free Schools."

CHAPTER XXII.

An Act to incorporate the trustees of the Fort Wayne Female College.

[APPROVED JANUARY 18, 1847.]

WHEREAS, It has been represented to the present General Assembly of the State of Indiana that the North Indiana Annual Conference of the Methodist Episcopal Church have determined upon establishing an extensive college institution for females, in this State, to the support of which they are pledged to use their united efforts; and which college is forever to be conducted on the most liberal principles, accessible to all religious denominations, and designed for the benefit of our citizens in general: AND WHEREAS, It has been represented that in consequence of liberal subscriptions and donations made in the town and vicinity of Fort Wayne, the healthfulness of the situation, and eligibility of the location for

the convenience of a public institution, the North Indiana Annual Conference have selected that place for the establishment of said college: AND WHEREAS, Such a college in the State of Indiana, if conducted upon liberal and enlightened principles, would be of great benefit to our citizens generally, by disseminating knowledge and useful literature: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That a seminary of learning shall be and the same hereby is established in the town or vicinity of Fort Wayne, in Allen county, and State of Indiana, to be known by the name and style of "The Fort Wayne Female College," which shall be founded and maintained forever upon a plan the most suitable for the benefit of the youth of every class of citizens and every religious denomination, who shall be freely admitted to equal advantages and privileges of education, and to all the literary honors of said college, according to their merit, under the direction of fifteen trustees, to-wit: James Whitcomb, Richard W. Thompson, William Rockhill, William G. Ewing, Lemuel G. Jones, John G. Walpole, Samuel Edsall, Benjamin Mason, Wesley Park, Samuel Shryock, Henry Williams, Thomas Sale, Joseph K. Edgerton, Asa Fairfield, and George M. Boyd, who with their successors shall be trustees of said college, and shall hold their first meeting at the place of its location, on the third Saturday of June, eighteen hundred and forty-seven.

SEC. 2. That the said trustees and their successors, by the name of "The Trustees of the Fort Wayne Female College, shall be a body politic and corporate, and as such forever to exist; and are hereby made capable in law to have, possess, purchase, receive, enjoy, and retain, hold, or dispose of, for the use of said college, lands, tenements, and annuities, and other hereditaments in fee simple, or for a term of years, life, lives, or otherwise; and also money, bonds, bills, notes, goods, chattels, interests, or effects, of whatever nature, quality, or kind soever, by the gift, bargain, sale, or devise of any person or persons, body politic or corporate, capable of making the same; and the same to grant, demise, sell, alien, and confirm, in such manner as they shall judge most conducive to the interests of said college: This corporation shall not hold a greater amount of real estate (exclusive of the site for the college and the edifices thereon) than the value of fifty thousand dollars; which said amount shall be exempt from taxation, either for State or county purposes.

SEC. 3. That the said trustees and their successors, by the name and style of "The Trustees of the Fort Wayne Female College," as aforesaid, shall be capable in law to sue and be sued, plead and be impleaded, in any court or courts of record, before any judge, justice, or justices within this State and elsewhere, in all manner of suits, complaints, pleas, causes, matters, and demands, of whatsoever kind, nature, or form they may be; and all and every other matter,

nature, and thing therein to do, in as full and effectual a manner as any person or persons, bodies politic or corporate, of like nature within this State may or can do.

SEC. 4. That said board of trustees are hereby authorized and empowered and it is hereby made their duty at their first regular meeting, so to classify the members thereof into three divisions that one-third of the board shall go out of office each year, and shall determine by lot what members thereof shall belong to each of said classes.

SEC. 5. That the North Indiana Annual Conference, or such other conference or conferences as may be formed out of the same by the consent of the said North Indiana Annual Conference, shall fill all vacancies in the board of trustees as may occur by the expiration of the term of office of any member or members thereof, death, resignation, or otherwise, at the first meeting of such conference or conferences after any vacancy may happen; thus keeping up the full number of fifteen trustees forever: And the said first named conference, or such other conference as may be associated with it by its assent, shall annually appoint any number of visitors, not exceeding seven, who, or so many as shall convene with the board of trustees, shall constitute a joint board in the permanent appointment of all officers of the said college: And whenever a majority of all the trustees shall declare any one of their body incompetent, for want of moral character, the board of trustees shall declare his seat vacant, and shall thereafter make a temporary appointment to fill the vacancy until the meeting of the next annual conference, which shall then fill the same as aforesaid: And the visitors, or so many of them as shall act, shall report to the conference next succeeding their appointment the condition of the college and whether it is conducted in conformity with its charter: And at the time of the admission of any conference to the participation in the appointments aforesaid, the North Indiana Annual Conference, and such other conference as it may assent to associate with, shall divide the appointing power of visitors and trustees in such manner as they may mutually agree upon.

SEC. 6. That the said trustees of the Fort Wayne Female College, before entering upon the trust reposed in them, shall severally take the following oath of office, to be administered to them by any justice of the peace in the State of Indiana, that is to say: "I, [A. B.], do solemnly swear (or affirm) that I will, to the best of my skill and judgment, faithfully and truly discharge the duties of a trustee of the Fort Wayne Female College, pursuant to the laws and constitution of the State of Indiana, the constitution of the United States, and the charter granted by the State of Indiana establishing said college, without favor, affection, or partiality, so help me God, (or under the pains and penalties of perjury:)" And said trustees shall have power to appoint, annually, a president of the board, a vice-president, a treasurer, and a secretary; and the treasurer so appointed shall give bond with such security, and in such penalty as the trustees shall think proper, payable to the State of Indiana, for the

use of said college; which bond shall by the treasurer and his securities be acknowledged before the clerk of the circuit court of Allen county, and by him certified and recorded in his office, a copy of which shall be evidence in any suit against such treasurer and his securities for a breach thereof; and it shall be conditioned for the true and faithful discharge of his duty as treasurer of said college, and for the safe-keeping of all moneys, bonds, notes, deeds, mortgages, trusts, or other property belonging to the institution, or which shall be put into or from time to time come to his hands; which bond may be renewed whenever the said trustees shall require it: And it shall be the duty of said treasurer to receive and safely keep all moneys, notes, bonds, obligations, or conveyances of real, personal or mixed property belonging to said college; and shall not pay out any of said moneys, except upon the order of the president or vice-president, countersigned by the secretary of the board of trustees; and for any breach of said bond, the treasurer and securities may be proceeded against as upon other official bonds, in the proper courts in the State of Indiana: The said treasurer shall moreover, once in every year, and as much oftener as the trustees may require, render to them an account of all moneys in his hands and all moneys by him paid out; stating from whom or what source received, and to whom paid: And in case the treasurer shall fail or refuse to perform any of the duties required of him by this act, the trustees of said college shall have power to declare his office vacant, and proceed to the election of a treasurer to fill the vacancy: And it shall be the duty of every treasurer, on leaving the office by removal resignation, or otherwise, upon the order of the board, signed and countersigned as aforesaid, to pay and deliver over all moneys and other property in his hands belonging to said college, into the hands of his successor in office: And it shall be the duty of the secretary to keep a fair record of all the proceedings of the board of trustees, and at the close of every session to lay them before the president for his signature, and to do and perform all other acts which by this charter may be required of him: And it shall be the duty of the president of the board to preside in all their meetings, when present, and to perform all the duties usually performed by presiding officers in all similar bodies; and in the absence of the president, the vice-president aforesaid shall perform the duties; and in case of his absence at the time of any meeting of the board, it shall be the duty of the trustees to appoint a president pro tem.

SEC. 7. That the said trustees and their successors shall have authority to make and use a common seal, with such devices and inscriptions as they shall think proper, and the same to change, alter, and renew at pleasure, and shall also, at any regular meeting of the board, when one or more of the visitors shall be present, from time time, forever hereafter, have full power and authority to constitute and appoint permanently, in such a manner as they may deem expedient, a president of the college, together with such professors and other instructors as may at any time be necessary to form an efficient

faculty for the proper instruction of students in the arts and sciences, and in all the necessary, useful, and ornamental branches of a thorough and liberal education, such as is taught in the best female colleges or academies: And the said president and professors, with such other instructors or instructresses as may by the trustees be included, shall be known and distinguished by the name of "The Faculty of the Fort Wayne Female College:" And in that name shall be capable of exercising such powers and authorities, rights and privileges in the institution as shall be delegated to them according to the by-laws enacted by the trustees; and the said board of trustees may, at any meeting, make a temporary appointment of any of the foregoing faculty, in the absence of such visitor or visitors, until a regular meeting at which one or more of such visitors may be present: And a majority of the said fifteen trustees, together with a majority of the said seven visitors, may, at any time, in joint meeting, by resolution to that effect, declare the appointment or office of any of the faculty, instructors, or instructresses vacant, and proceed to fill such vacancy at such joint meeting, or any future meeting which they may designate.

SEC. 8. That the said trustees and their successors in office shall meet at least once in every year, in a stated annual meeting, to be appointed by their own ordinances, [and] at such other times as by their said ordinances they shall direct, for the purpose of transacting such business for the prosperity and welfare of the institution as may come before them; in all which meetings five trustees being present shall constitute a quorum for transacting business: But a majority of said fifteen trustees shall be required to make, pass, and establish ordinances, rules, and by-laws, not contrary to the constitution and laws of this State, for the government of said college and the proper education of its pupils, and by them to delegate to the president, professors, and other instructors or instructresses such powers and authorities as they may judge expedient for the government of the institution: And the said majority of trustees shall also have power, at any legal meeting, to alter or annul any rules or regulations by them established, and to do all matters and things which they may deem expedient for the faithful fulfilment of their trust.

SEC. 9. That the said trustees and their successors shall have authority, whenever in their opinion the funds of the institution will justify the measure, to admit gratuitously, in whole or in part, as the respective cases may require, such person or persons as they may think proper to enjoy the benefits of tuition in said college: And said trustees are hereby authorized to receive subscriptions, donations and bequests, either in money, personal, real, or mixed property for the purpose of enabling them to meet the expenditures requisite in establishing and continuing said institution.

SEC. 10. That for the purpose of stimulating and encouraging the pupils in their progress, and promoting the general interests of the institution, the said trustees and faculty shall have full power and authority, once in every year, or oftener, as they by an ordinance

shall direct, to hold a public commencement, with exercises suited to the occasion, and to graduate with literary honors such pupils as shall from time to time be found to have merited the same by their character and acquirements: And said trustees and faculty shall have power and authority, in furtherance of the aforesaid objects, to confer on all those pupils whom they shall deem worthy thereof, all such literary honors and degrees as are usually conferred by the best female colleges, institutions, or academies; and may issue, when they deem it expedient, testimonies or diplomas, bearing the seal of said college, as certificates of the same, signed by the president of the college: It shall also be the duty of the faculty, prior to each commencement, to hold a public examination, in presence of such trustees as may be able to attend, and of other citizens, at which time all the pupils of said college shall be examined in the several branches of learning which they have respectively studied; that the fidelity of the teachers and the diligence of their pupils may appear.

SEC. 11. This act is hereby declared to be a public act, and shall be construed liberally, for every beneficial purpose hereby intended; and no omission to use any of the privileges hereby granted shall cause a forfeiture of the same, nor shall any gift, grant, conveyance, or devise, to or for the benefit of the corporation be defeated or prejudiced by any misnomer, misdescription, or informality whatsoever: *Provided*, That the intention of the parties can be shown or ascertained beyond reasonable doubt.

SEC. 12. The State hereby reserves the right, at the session of the Legislature for the years 1856 and 1857, and 1857 and 1858, and every tenth session after either of those sessions, to alter or amend this charter: *Provided, however*, That no amendment shall ever be made to change the fundamental principles upon which this college is established.

SEC. 13. And the said trustees and their successors are hereby authorized and empowered to adopt, ratify, and confirm all such acts and contracts, not inconsistent with the provisions of this charter, as have been done or made by the said trustees named herein, or a majority of them, prior to the passage of this act, in the name and character of trustees of the Fort Wayne Female College, and when so adopted, ratified, and confirmed, the said acts and contracts of the said persons above named, or a majority of them in their said name and character of trustees as aforesaid, shall become and be as binding to all intents and purposes upon the said trustees hereby created, and all other parties thereto, as if the same had been done, made, or entered into by said trustees in their name and character of trustees after the passage of this act.

SEC. 14. This act to take effect and be in force from and after its publication in one or both of the newspapers published in Fort Wayne, Indiana.

CHAPTER XXIII.

An act to incorporate the Terre Haute and Richmond Railroad Company.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Chauncy Rose, Samuel Crawford, E. M. Huntington, James H. Turner, W. W. Reynolds, J. M. Mullikin, James Farrington, Thomas J. Bourne, and R. W. Thompson, of the county of Vigo, and State of Indiana, and their successors in office, duly elected as hereinafter provided, are hereby constituted a body corporate and politic, by the name of "The President and Directors of the Terre Haute and Richmond Railroad Company," and by such name shall be capable to sue and be sued, plead and be impleaded, answer and be answered unto, either in law or equity in any court of competent jurisdiction within this State; and shall have power to make and use a common seal, and the same to alter at pleasure, and to make contracts and enforce the same, and to establish and put in force such by-laws, rules, and regulations as may be necessary to carry into effect the provisions of this act, not inconsistent with the constitution and laws of this State, and of the United States.

SEC. 2. The capital stock of said company shall be eight hundred thousand dollars, to be divided into shares of fifty dollars each.

SEC. 3. The directors named in this act, or a majority of them, may meet at such time and place as they may agree upon, and organize said corporation by the election of one of their body as president; and after such organization, any members of said board shall constitute a quorum for the transaction of business.

SEC. 4. The corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, artists, and all other officers and persons, necessary to carry into effect the objects of this act: They shall keep a journal of their proceedings, in which shall be entered all [the] by-laws, rules, and regulations, and all orders for the payment of such allowances as may be made to their officers and all others in their employ; which journal shall from time to time be read by the board, and, if found to be correct, signed by the president: They may sit on their own adjournments, or on the call of the president; when the president is absent they may appoint a president pro tempore: They shall fill all vacancies that may happen in their own body.

SEC. 5. The corporation shall cause books to be opened for subscription to the capital stock, at such time and at such place or places as they may choose, due notice of which shall be given in at least one newspaper published in the town or city where said books are proposed to be opened.

SEC. 6. It shall be lawful for all persons of lawful age, for the agent of any corporate body, for the agent of State, or of the United

States, on behalf of the same, to subscribe for any amount of capital stock; and the books shall be kept open for any such space of time, and at such place or places as the corporation shall choose, and may be re-opened at any time; and they may, by an agent, offer for sale in any other State any amount of stock upon such terms and conditions as may be thought advisable: They shall have power, on the credit of the corporation, to borrow money on such terms as may be agreed upon by the parties: The corporation may require such sum of money to be paid at the time of subscribing, not exceeding ten dollars on each share, as they may think proper; but such requisition shall be made known by being inserted in the notice for opening the books, and any future payments on the stock shall be under the control of the corporation.

SEC. 7. As soon as fifty thousand dollars are subscribed for, and ten dollars are paid on each share, it shall be the duty of the corporation to give three weeks' notice thereof in one or more newspapers; and in such notice to appoint a time and place for the stockholders to meet and elect thirteen directors, who shall be stockholders, and said election shall be conducted by two judges appointed by the stockholders present; and the persons having a plurality of votes given and counted in public, shall be declared duly elected: No share shall confer a right to vote at any election unless the same shall have been held one month previous to the election; in all elections one share shall entitle the holder to one vote; and votes may be given by the person owning the same, or by one of any partners, or by the husband, father, mother, administrator or executor, trustee or guardian, or by the authorized agent of any corporation, State, or of the United States, or any person having a right to vote, may vote by written proxy.

SEC. 8. It shall be the duty of the directors elected as above, and those elected at all subsequent elections, to meet as soon thereafter as they conveniently can, and elect one of their own body president; the president and directors thus elected shall continue in office until the next annual election, and until their successors are elected and qualified or organized.

SEC. 9. All elections after the first shall be held on the first Monday in January, annually, under the direction of three stockholders, not directors at the time, to be appointed by the board at a previous meeting, or by the stockholders present at the time of holding said election, and notice of said election shall be given in at least one newspaper: *Provided*, That if, from any cause whatever, there should be no election held on the day appointed by this act, or by the directors for the first election, it shall be lawful to hold the election on any other day.

SEC. 10. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held; they shall be signed by the president, and countersigned by the clerk: The stock shall be transferred on the books of the corporation, personally, or by agent or attorney, or by the administrator, executor, trustee, or guardian;

but such stock shall be held at all times by the corporation for any dues from the holder thereof to the corporation, or for any sums that may thereafter become due on contract made prior to such transfer.

SEC. 11. The corporation shall have power to call for such portions of the stock subscribed, not exceeding twenty-five dollars on each share in any one year, as they may think proper, to be paid at such time and place as they may designate, by giving sixty days' notice in some newspaper of general circulation where said stock is made payable, or by written notice given to the stockholders, in which shall be specified the amount demanded on each share, and the time and place of payment; if any stockholder shall neglect or refuse to pay any such requisition within ten days after the time named for such payment, the corporation may bring suit against such delinquent for the amount due and called for, in any court of competent jurisdiction, and recover the amount due, with ten per centum damages for such detention; and if the amount cannot be made on execution, or if such delinquent is out of the State, then the corporation may, by an order on their books, declare such stock forfeited to the corporation, with whatsoever amount may have been paid thereon, and no such delinquent, before the forfeiture of the stock, shall have any right to vote for directors or recover any dividend on his, her, or their stock until the corporation is fully satisfied.

SEC. 12. The corporation, by their agents, shall have full power from time to time to examine, survey, locate, and construct a railroad of a single or double track, commencing at some point on the western line of the State of Indiana, and running on the best ground for the interest of the company and the public convenience, eastwardly through Terre Haute, in the county of Vigo, Greencastle, in the county of Putnam, and Indianapolis, in the county of Marion, to Richmond, in the county of Wayne.

SEC. 13. And for the purpose of making such examination and location, it shall be lawful for the corporation, by their agents and persons in their employ, to enter upon any land to make surveys and estimates, and for the purpose of searching for stone, gravel, wood, or other materials necessary for the construction of said road; but no stone, gravel, wood, or other material necessary for the construction of said road shall be taken away from any land without the consent of the owner thereof, until the rate of compensation shall be ascertained and paid.

SEC. 14. It shall be lawful for the corporation, either before or after the location of any section of the road, to obtain from the person or persons through whose land the same may pass, a relinquishment of so much of the land as may be necessary for the construction or location of said road, as also the stone, gravel, timber, and other materials; and it shall be lawful for said corporation to receive, by donations, gifts, grants, or bequests, land, money, labor, property, stone, gravel, or other materials for the benefit of said corporation, and all such contracts, relinquishments, donations, gifts, grants, and bequests made and entered into in writing, by any person or persons

capable in law to contract, made in consideration of such location, for the benefit of the corporation, shall be binding and obligatory; and the corporation may have their action at law in any court of competent jurisdiction to compel the same: *Provided*, That all such contracts, relinquishments, donations, gifts, grants, and bequests shall be fully and plainly made in writing, signed by the party making the same.

SEC. 15. That in all cases where any person through whose land the road may run, shall refuse to relinquish the same, or where a contract between the parties cannot be made, it shall be lawful for the corporation to give notice to some justice of the peace in the county where the difficulties may occur, that such facts do exist, and such justice of the peace shall thereupon summon the owner of such land to appear before him on a particular day within ten days thereafter, and shall appoint twelve disinterested persons of the neighborhood, who shall, after taking an oath faithfully and impartially to assess the damages, if any, view the land and materials, and after having taken into consideration the advantages as well as the disadvantages the road may be to the same, and shall report thereon, whether such person is entitled to damages or not, and if so, how much, and shall file such return with such justice, whereupon said justice shall enter judgment thereon, unless for good cause there shown; and in case either party should show sufficient cause why judgment should not be entered, the justice may grant a review of the premises, either with or without costs: *Provided*, That either party may, at any stage of the proceedings, appeal to the circuit court of the proper county, as in other cases, and such court shall appoint reviewers as above directed, who may report at that or succeeding terms, in the discretion of the court, and the judgment of the circuit court shall be final.

SEC. 16. And in all cases where the owner or owners of such land or materials shall be minors, insane persons, or reside out of the county where such lands may be, such justice shall cause three notices of the application made, and of the day fixed for the appointment of viewers, to be posted up in three of the most public places in the county, and if no person shall attend on the day named in said notice, said justice shall adjourn the same until that day two weeks; at which time he shall proceed as if such person or persons had been duly notified to attend, and on such judgment being rendered, and the corporation complying therewith, by the payment of costs or damages awarded against them, the corporation shall be seized of the land or materials: Costs shall be allowed or awarded against either party, at the discretion of the justice.

SEC. 17. That if it should be found necessary and advantageous to the location and construction of said road, the corporation shall have the right to lay the same along and upon any State or county road: *Provided*, however, That before such location shall be made, the corporation shall make application to the county commissioners of the proper county for such right; and the said county commissioners

are hereby vested with power to grant the same, by an order entered on their records: *And provided also*, That such right shall be granted on condition that the corporation shall leave a sufficiency of said State or county road in as good repair, for common use, as previous to such occupation.

SEC. 18. That when said corporation shall have procured a right of way as hereinbefore provided, they shall be seized in fee simple of the right to said land, and shall have the sole use and occupation of the same; and no person, body corporate or politic, shall in any way interfere therewith, molest, disturb, or injure any of the rights and privileges hereby granted, or that would be calculated to detract from or affect the profits of said corporation.

SEC. 19. The corporation shall commence the construction of said road any time within five years after the opening of the books, and from time to time construct so much towards the point of destination as may be within the ability and to the interest of the company, and shall complete it within fifteen years from its commencement: *Provided*, That if the road should not be completed within the time aforesaid, the General Assembly may, for good cause shown, give further time for its construction: *Provided also*, If any part of said road shall be completed within the time aforesaid, in that case all the rights, privileges and benefits granted in this act shall be extended to and vested in said company to such part of said road as shall be completed.

SEC. 20. It shall be the duty of said corporation, wherever any State or county road, now established, shall cross or may hereafter cross the railroad, to make and keep in repair good and sufficient causeways so that the free use of said State and county road shall not be obstructed; and in all cases where any person shall own land on both sides of said road, and there shall not be any causeway for a public road leading from one tract to the other, the owner of such lands shall have the right, free of charge, to cross the same, and to make such causeways as may be necessary for the convenience of said owner: *Provided*, That such owner of land shall not injure or obstruct said road.

SEC. 21. That it shall be lawful for said corporation to place or prescribe the kind of carriages that may be used on said road, whether propelled by steam or other power, for the transportation of passengers, for all kinds of products, lumber, goods, wares, and merchandise, or any other kind of property, and for this purpose the corporation may construct said road with such turns, gates, bridges, aqueducts, culverts, toll and ware houses as may be considered necessary for the interests of the company, and convenience of the public; and the corporation may charge tolls and freights on such part of the road as may be in a sufficient state for travel, although the whole be not finished; and they may charge for travel and transportation on the same, when it is graded and bridged, although the rails may not be laid so as to admit carriages thereon.

SEC. 22. The corporation may charge and receive such tolls and freights for the transportation of persons, commodities, and carriages on said road, or any part thereof, as shall be for the interest of said company, and to charge, lower, or raise at pleasure: *Provided*, That the rates established from time to time shall be posted in some conspicuous place or places on said road.

SEC. 23. That when the aggregate amount of dividends declared shall amount to the full sum invested and ten per centum per annum thereon, the legislature may so regulate the tolls and freights that not more than fifteen per centum per annum shall be divided on the capital employed, and the surplus profits, if any, after paying the expenses and receiving such proportion as may be necessary for future contingencies, shall be paid over to the treasurer of State, for the use of common schools, but the corporation shall not be compelled by law to reduce the tolls and freights so that a dividend of fifteen per centum per annum cannot be made; and it shall be the duty of the corporation to furnish the legislature, if required, with a correct statement of the amount of expenditures and the amount of profits after deducting all expenses; which statement shall be made under the oath of the officer whose duty it shall be to make the same.

SEC. 24. Semi-annual dividends of so much of the profits as the corporation may deem expedient shall be made on the first Monday in December and July, annually, unless the directors fix on a different day, and pay the stockholders as soon thereafter as they can with convenience, and no dividends shall be made to a greater amount than the nett profits after deducting all expenses; and the directors may retain such proportion of the profits as a contingent fund to meet subsequent expenses as they shall deem proper.

SEC. 25. That if any person or persons shall knowingly and wilfully injure or obstruct said road, or any part thereof, or shall break, destroy, or deface any work, edifice, device, toll or ware house belonging thereto, such person or persons so offending shall pay to the corporation five times the amount of damage actually done, with costs of suits, to be recovered by the corporation before any court having competent jurisdiction: *Provided*, That all actions commenced by the corporation for the recovery of damages, shall be commenced within six months from the time such cause of action occurred and not after.

SEC. 26. It shall be lawful for the county commissioners for the county through which the road passes, for and on behalf of such county, to authorize, by an order, as much of the stock to be taken as they may think proper, at any time within five years from the opening of the books.

SEC. 27. It shall be the duty of the corporation to cause a full statement of the affairs of the company to be made and exhibited to the stockholders at any annual election, or at any other general meeting of the stockholders.

SEC. 28. Any number of the stockholders, owning one-third of the stock, may call a general meeting of the stockholders by giving four weeks notice thereof, in which specifying the object of the call, and a majority of the stockholders being represented, they may make such order, relative to the concerns of the company, as a majority may determine.

SEC. 29. The corporation may, by contract, admit the intersection with said road with any other railroad, turnpike, or any other road or collateral road.

SEC. 30. The State, in time of war, shall have the right to transport troops, munitions of war, and provisions, free of toll, on said road.

SEC. 31. Should the capital herein granted not be sufficient to accomplish the intended work, the corporation may increase the same; and the stockholders may, at any general meeting, reduce the number of directors to any number not less than five.

SEC. 32. That when the road is located, it shall be the duty of the corporation to cause a plat of the same to be deposited in the office of the Secretary of State, and from and after that time it shall not be lawful for the said corporation to alter or change any part of the said location, unless said corporation pay the owner or owners of lands on such changed route, the amount of damages they may sustain by such re-location.

SEC. 33. That if said road, after its completion, shall be suffered to go into decay, or be impassable for one year, unless when the same is repairing, this charter shall be taken and considered as forfeited.

SEC. 34. The corporation shall in no case, directly or indirectly, engage in any kind of trade, or deal in merchandise, other than such as may be necessary to carry into effect the objects contemplated by this act; nor shall said corporation, under any pretence whatever, enter into a banking business, for the purpose of receiving deposits, making discounts, or issuing bills of credit, or bills or receipts of any description, to pass as a circulating medium.

SEC. 35. The corporation shall cause to be kept a fair record of the whole expense of making and repairing said railroad, and of each section thereof, with all the incidental expenses, and also a fair account of the tolls received; and the State shall have the right to purchase the stock of said company, at any time after twenty-five years, by paying to said corporation a sum of money which, together with the tolls received, shall equal the cost and expenses of said railroad as aforesaid, with an interest of ten per centum per annum; and the books of said company shall always be open for the inspection of any agent of the State, appointed for that purpose by the legislature, and upon any refusal to exhibit their books and accounts to said agent, upon request made to the president, all powers granted by this act shall cease.

SEC. 36. The directors of said company that shall contract any

debts over and above the amount of good and solvent stock subscribed, shall be individually liable for the payment of such excess; and the legislature reserves the right to alter or amend this charter at any time, and to repeal the same, whenever its provisions shall have been violated by said company.

SEC. 37. This act shall take effect and be in force from and after its passage, and shall be deemed and taken to be a public act.

CHAPTER XXIV.

An Act to extend the jurisdiction of justices of the peace in the county of Fayette.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all suits in the county of Fayette for the collection of debts within the jurisdiction of justices of the peace, shall be commenced and had in the township in which such debts were contracted.

SEC. 2. This act to be in force from and after its passage.

CHAPTER XXV.

An Act in relation to roads and highways in Lagrange county.

[APPROVED JANUARY 23, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That so much of the provisions of chapter sixteen of the Revised Statutes as do not conflict with the local laws in relation to roads, bridges, and highways, now in force in the county of Lagrange, be and the same are hereby extended to said county.

SEC. 2. That all State roads heretofore laid out and opened in the county of Lagrange, the width of which has not been fixed by law, nor by the order of the county board of said county, be and the same are hereby declared to be State roads, and such shall be kept open by the proper supervisors, sixty feet in width.

SEC. 3. That all county roads heretofore laid out and opened in said county, the width of which has not been fixed by order of the

county board of said county, be and the same are hereby declared to be county roads, and as such shall be kept open by the proper supervisors, forty feet in width.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER XXVI.

An Act in relation to the Seminary of Madison county.

[APPROVED DECEMBER 27, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter all fines arising from forfeited recognizances shall be paid over to the seminary trustees, for the benefit of the Madison county Seminary.

SEC. 2. All laws conflicting with this act are hereby repealed, so far as relates to Madison county.

SEC. 3. This act to be in force from and after its passage.

CHAPTER XXVII.

An Act to change the name of William Chill to that of William Darnell.

[APPROVED JANUARY 23, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the name of William Chill, of Marion county, be and the same is hereby changed to that of William Darnell.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER XXVIII.

An Act to revive an act entitled "An act to incorporate the town of Pendleton, in Madison county," approved February 15, 1839.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That an act entitled "An act to incorporate the town of Pendleton, in Madison county," approved February 15, 1839," be and the same is hereby revived, and so amended that the annual election of trustees, for the future, shall be on the first Monday of April, instead of the first Monday in January; and said trustees, when elected and qualified, shall continue as such trustees until their successors be elected and qualified: And it is further provided, That Alanson E. Russell, James L. Bell, William H. Mershon, and Madison G. Walker are hereby appointed to the office of trustees of said town, to hold the same until the first Monday in April next, and until their successors are duly qualified.*

SEC. 2. This act to take effect from and after its passage and publication in the Indiana State Sentinel.

CHAPTER XXIX.

An Act to extend the time of payment of the interest on certain funds therein named.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That the school commissioner of the county of Warren be and he is hereby authorized to extend the time of payment of the interest on congressional township funds, which shall become due after the first Monday in September, until the twenty-fifth of January of each year, without incurring the damages now required by law: Provided, Such payments be made by the above specified time.*

SEC. 2. This act to be in force from and after its passage.

CHAPTER XXX.

An Act to provide for the election of an additional justice of the peace and an additional constable in Jackson township, in Boone county.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That it shall be lawful for the qualified voters of said township, in said county, on the first Monday in April, 1847, at the usual place of holding elections in said township, to elect one justice of the peace and one constable, in addition to those now authorized by law to be elected in said township.*

SEC. 2. Such justice of the peace and such constable, when elected as aforesaid, shall keep their respective offices and shall reside in the town of Jamestown, in said township and county.

SEC. 3. This act to be in force from and after its passage.

CHAPTER XXXI.

An Act declaring a certain act therein named to be in force.

[APPROVED JANUARY 25, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That an act entitled "An act giving validity to certain contracts," approved February 13, 1834, be and the same is hereby declared to be in full force as to all contracts hereafter made.*

SEC. 2. This act to take effect and be in force from and after its publication in the "Indiana State Sentinel."

CHAPTER XXXII.

An Act fixing a certain annual compensation to the auditor of Boone county.

[APPROVED JANUARY 25, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That the board of commissioners of Boone county are hereby authorized to allow the county auditor of said county for all*

services that now are or may hereafter be required of him by law, any amount not less than fifty nor more than one hundred and fifty dollars per annum, in addition to his present salary.

SEC. 2. That all acts and parts of acts contravening the provisions of this act be and the same are hereby repealed.

SEC. 3. This act to be in force from and after its passage.

CHAPTER XXXIII.

An Act to incorporate the Brazil Steam Mill Manufacturing Company, Clay county, Indiana.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That Owen Thorp, John Hendrix, Thomas R. Budd, Eli Hendrix, William Stewart, Lewis Brackney, and William Haney are hereby created a body politic and corporate, with power to sue and be sued, plead and be impleaded, for the purposes hereinafter expressed.

SEC. 2. That the corporation aforesaid shall have power to hold real and personal estate not to exceed (\$100,000) one hundred thousand dollars, in their corporate capacity, by deed, gift, or otherwise.

SEC. 3. That the corporation aforesaid shall, within five years hereafter, erect a steam mill, within one mile of the town of Brazil, in Clay county, Indiana, of sufficient capacity to manufacture twenty-five barrels of flour per day, and such other machinery as to them shall seem proper.

SEC. 4. That if said corporation shall fail to keep said mill or other machinery, when erected, in good repair for the accommodation of the public for six months together, the benefits of this charter to said company shall be considered forfeited.

SEC. 5. That the commissioners designated in this charter, or any number of them, shall form themselves in their corporate capacity within six months after the passage of this act, for the purpose herein set forth, and paying in a sufficient sum for the completion of one-fourth of said mill and machinery as aforesaid.

SEC. 6. This act to take effect and be in force from and after its passage.

CHAPTER XXXIV.

An Act to provide for the election of township assessors in the county of Brown, and defining their duties.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That in the county of Brown there shall be elected on the first Monday of April next, and annually thereafter, one assessor, in and for each township, by the qualified voters thereof, respectively: And such assessors shall hold their offices until their successors are elected and qualified, and shall do and perform all such duties as now are or may hereafter be required by law to be performed by assessors.

SEC. 2. It is hereby made the duty of the sheriff of said county to put up three written notices, in the most public places in the several townships, at least twenty days previous to the time of said election, of the time and place of holding the same: Said election shall be conducted in all respects as other township elections: It is made the duty of the judges of the election to certify to the county auditor the person receiving the highest number of votes given, who shall give to the person so elected a certificate of his election; and it is made the duty of the county auditor to furnish the several township assessors stationery sufficient to take down the taxable property of their townships.

SEC. 3. And the township assessor, previous to entering on the duties of his office, shall give bond, with good and sufficient security to the acceptance of the board doing county business, or in vacation to the county auditor, in the penal sum of two hundred and fifty dollars, payable to the State of Indiana, and conditioned for the faithful and impartial discharge of the duties of his office, according to law, and shall take and subscribe an oath or affirmation, to be endorsed on his bond, that he will faithfully and impartially discharge the duties of his office to the best of his skill and ability; and the bond so endorsed shall be deposited with the county auditor, and by him carefully preserved; and said auditor is hereby authorized to administer the oath of office aforesaid.

SEC. 4. That if any township assessor shall not give bond and security, or shall not [take] the oath or affirmation, as required in the preceding section, on or before the second Monday in September next after his election, his office shall be considered vacant, and the county auditor shall then fill such vacancy by appointment, which appointment, and the proceedings thereon, he shall lay before the board at their next meeting thereafter; and should any vacancy or vacancies occur by death, resignation, or otherwise, the same shall be filled as is hereinbefore provided in this section.

SEC. 5. Whenever such vacancies occur and are filled as hereinbefore provided, the person so appointed to fill such vacancy shall

give bond and take the oath or affirmation as is provided in the fourth section of this act.

SEC. 6. That if any such assessors fail to perform any duties now prescribed by law, or may hereafter be prescribed, such assessors shall, upon presentment or indictment, be fined in any sum not exceeding fifty dollars, at the discretion of the jury or court trying the same, for the use of the proper county seminary.

SEC. 7. The assessors elected or appointed as provided in this act shall, on the first Monday and Tuesday in April in each year, meet the tax payers of their township at the usual places of holding elections in such townships, and the assessors shall there receive a list of the assessable property of each person liable to pay taxes in said township: *Provided, however,* That any tax payer may at any time between the aforesaid second Monday in March and the fourth Monday in April, give in to the assessor a list of his taxable property.

SEC. 8. Should any tax payer neglect or refuse to hand in a list of his taxable property as is provided in the seventh section of this act, before the said fourth Monday in April, then the assessor shall visit the house or houses of such tax payer or tax payers, and there take a list of his, her, or their taxable property, charging each one so having neglected fifty cents, which shall be collected by the county treasurer for the use of said assessor, in the mode prescribed by law for the collection of taxes.

SEC. 9. Each township assessor shall receive for each day's service, as is provided in the seventh section of this act, one dollar per day, and be exempt during the year from working on the roads: *Provided, however,* Should any county board in their discretion deem two days less than sufficient, they are hereby authorized to prescribe the number, and allow the assessor accordingly.

SEC. 10. All acts and parts of acts coming within the purview of this act are hereby repealed; and it is hereby made the duty of the Secretary of State to forward a copy of this act to the auditor named in the first section of this act, on or before the first day of February.

SEC. 11. This act to take effect and be in force from and after its passage.

CHAPTER XXXV.

An Act to abolish the office of school commissioner in the counties of Sullivan and Steuben.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the office of school commissioner in the counties of Sullivan and Steuben be and the same is hereby abolished, and the duties of said office shall hereafter be performed by the county treasurer in said counties, who shall receive the same compensation as is now allowed the school commissioner, and he shall be governed by the same laws and subjected to the same penalties.

SEC. 2. This act shall take effect and be in force from and after the second Monday in March next; and it is hereby made the duty of the Secretary of State to forward a copy of this act to the clerk's office in said counties without delay.

CHAPTER XXXVI.

An Act to vacate certain alleys in the town of Greencastle, Putnam county.

[APPROVED JANUARY 23, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the alleys between lots numbered thirty-one and forty-two, on the one side thereof, and thirty-two and forty-one, on the other side thereof; also, between lots numbered seventeen, on the one side, and eighteen, on the other side thereof; also, between lots numbered one hundred and seventy and one hundred and eighty-three, on the one side thereof, and one hundred and sixty-nine and one hundred and eighty-four, on the other side thereof, in the town of Greencastle, in the county of Putnam, be and the same are hereby vacated.

SEC. 2. This act to be in force from and after its passage.

CHAPTER XXVII.

An Act to relocate the State road from Rushville, in Rush county, to Laurel, in Franklin county.

[APPROVED JANUARY 23, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That John Springer, Asahel Giltner, and James Riggs be and they are hereby appointed commissioners to view, relocate, and mark the State road leading from Rushville, in Rush county, to Laurel, in Franklin county.*

SEC. 2. Said commissioners shall meet at the town of Rushville, in the county aforesaid, on the first Monday in May next, or so soon thereafter as may be convenient, and when so met shall forthwith proceed to discharge their duties, having due regard to private property and the public good.

SEC. 3. This act to be in force from and after its passage.

CHAPTER XXXVIII.

An act for the relief of persons therein named.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That the agent for loaning the surplus revenue in the county of Switzerland be and he is hereby authorized to take and receive of and from Stephen G. Peabody, and the administrator of the estate of James Dalmazzo, late of the said county, deceased, or from the heirs of said James Dalmazzo (the said Stephen G. Peabody and Dalmazzo being the securities of Causby M. Lewis) the sum of four hundred dollars in full satisfaction of a certain judgment rendered against them in favor of the State of Indiana at the April term, 1839, of the Switzerland circuit court (costs excepted.)*

SEC. 2. The parties aforesaid shall have the privilege of paying said sum of four hundred dollars in the following manner, to-wit: Two hundred dollars to be paid on or before the first day of January, 1848, with interest from the first day of January, 1847, until paid, and two hundred dollars to be paid on or before the first day of January, 1849, with interest from the first day of January, 1847, till paid: *Provided, however, The said parties aforesaid shall give*

good security for the payments aforesaid, to the satisfaction of said loaning agent.

SEC. 3. In case the said parties aforesaid shall fail or refuse to pay the sum of four hundred dollars, or any part thereof, or to secure the payment of the same to be paid as hereinbefore specified, then in that case the judgment referred to in the first section of this act shall be in full force, and execution thereon may issue as though this act had not been passed.

SEC. 4. This act to take effect and be in force from and after its passage and publication in the Indiana State Sentinel.

CHAPTER XXXIX.

An Act for the relief of Mary A. Johnson.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That the trustees of the deaf and dumb asylum be and are hereby authorized to pay to Mary A. Johnson the sum of seventeen dollars, in addition to the compensation allowed her by said trustees, as matron of said asylum.*

SEC. 2. This act to be in force from and after its passage.

CHAPTER XL.

An Act to establish an additional election precinct in Deer Creek township, Perry county, and for other purposes.

[APPROVED JANUARY 23, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That in addition to the present place of holding general and township elections in Deer Creek township, in Perry county, for all or any of the above purposes, an election shall likewise be held at the same time at the present residence of Charles S. Long, in said township.*

SEC. 2. The board doing county business in said county may, at its discretion, order said election to be held at any other house

in said township, not exceeding one mile from the place above designated.

SEC. 3. Nothing in this act shall be so construed as to require the board doing county business in said county to abolish the election precinct in said township at H. Thrasher's, but they shall have the right to continue it there or remove it to any other place in said township, at their discretion.

SEC. 4. *Be it further enacted*, That in the act entitled "An act to establish an additional election precinct in Union township, Perry county," approved January, 19, 1846, wherever the word "Prison" creek appears in said act, it is hereby declared a misprint, and that it was intended and shall be read "Poison" creek.

SEC. 5. This act shall be in force from and after its publication.

CHAPTER XLI.

An Act to legalize the acts of Robert Leffler, as school commissioner of Harrison county.

[APPROVED JANUARY 23, 1847.]

WHEREAS, It appears to this General Assembly that Robert Leffler was re-elected school commissioner of Harrison county, on the first Monday of August, 1843, and continued to act as such school commissioner during the term for which he was elected, without giving bond and taking an oath of office, as required by law: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all the acts and doings of the said Robert Leffler, as school commissioner of Harrison county, during his term of office for which he was elected on the first Monday in August, 1843, be and the same are hereby legalized, and are declared to be as valid and effectual, to all intents and purposes, as if the said Robert Leffler had given bond and taken an oath of office as required by law.

CHAPTER XLII.

An Act to amend an act entitled "An act to incorporate the town of Columbus, in Bartholomew county, Indiana," approved February 6, 1839.

[APPROVED JANUARY 23, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the inhabitants of the town of Columbus, in the county of Bartholomew, be and they are hereby declared to be a body politic and corporate, with perpetual succession by the name and style of "The President and Trustees of the town of Columbus," and by that name may sue and be sued, plead and be impleaded, defend and be defended in all courts of law and equity; and have a seal, and alter the same.

SEC. 2. The limits of said town shall extend to and embrace the original plat of said town, and the out lots, with all additions to the same, as they are or may hereafter be entered of record in the recorder's office of said county.

SEC. 3. The officers of said corporation shall be a president and five trustees, an assessor, a collector, a treasurer, a clerk, and a marshal.

SEC. 4. The president and trustees shall be elected annually, by the qualified voters of said town, residing within the limits thereof, and shall hold their office for one year, and until their successors are elected and qualified.

SEC. 5. The assessor, collector, treasurer, clerk, and marshal shall be appointed by the town council, and shall hold their office for one year, and until their successors are appointed and qualified: The town council shall fix their compensation, and alter the same.

SEC. 6. The president and trustees shall constitute a board to be called the "Town Council," of which the president shall be, ex officio, the presiding officer.

SEC. 7. Three members of the town council, exclusive of the president, shall constitute a quorum to transact business, and in case of the absence of the president, or a vacancy in his office, may elect one of their own number president pro tempore of said council.

SEC. 8. It shall be the duty of the president to preside at all meetings of the council, unless when questions are pending in which he is personally interested; he shall not vote except in cases of a tie, when he shall give the casting vote.

SEC. 9. In case of vacancy in the office of president, or refusal to accept, such vacancy shall be filled by a new election, ten days' notice thereof having been given by the council, in some public newspaper published in said town, or by notices posted up in three of the most public places in said town.

SEC. 10. In case of vacancy in the office of any trustee, such vacancy shall be immediately filled by the town council; such ap-

pointment to continue till the next annual election, and until his successor is elected and qualified.

SEC. 11. A full and accurate record of the proceedings of the council shall be kept by the clerk, and each day's proceedings shall be signed by the president or president pro tempore, and be attested by the clerk.

SEC. 12. It shall be the duty of the president, or president pro tempore, to sign all laws, ordinances, and decrees of a public nature and the duty of the clerk to attest the same before their publication.

SEC. 13. The clerk shall faithfully record, in a book to be kept exclusively for that purpose, all the by-laws, ordinances, and decrees of a public nature, which shall at all times be subject to the inspection of the voters of said town.

SEC. 14. Before entering upon the duties of his office, the president shall take an oath or affirmation for the faithful discharge of his office, and also give bond with security, made payable to "The President and Trustees of the town of Columbus," in the penalty of one thousand dollars, for the faithful discharge of his duties, to be approved of by at least three trustees, which bond shall be filed with the clerk, for the benefit of the corporation or any person aggrieved.

SEC. 15. The president, when elected and qualified, shall have jurisdiction in all cases of violation of any of the by-laws, ordinances, regulations, or decrees of the town council: He shall have power to issue process in all cases within his jurisdiction, shall proceed in the same manner and be entitled to the same fees as justices of the peace: He shall keep a docket which in all respects shall have the same force and effect as a docket of a justice of the peace, and parties before him shall have the same right to a trial by jury, and appeal to the circuit court, as if the suit were instituted and pending before a justice of the peace.

SEC. 16. It shall be the duty of the marshal to serve and return all process issued by the president, and his power for this purpose shall be co-extensive with the county of Bartholomew; he shall attend all trials before the president, and shall be entitled to the same fees as constables for like services, and shall, in addition to being the executive officer of the town council, be a peace officer within the town: In case of the absence or inability of the marshal, the president may direct process to any constable of Columbus township, who may serve and return the same: The said president shall have authority to administer all oaths required under this act.

SEC. 17. No person shall be incompetent to be a witness or juror in suits for a violation of any by-law, ordinance, regulation, or decree of the town council, because such person may be a citizen of said town.

SEC. 18. The stated meetings of the town council shall be on the first Monday in each month, and special meetings may be called at any time by the president, or a majority of the trustees, the trustees being duly notified.

SEC. 19. The trustees, assessor, collector, treasurer, clerk, and marshal shall severally be sworn faithfully to discharge their several duties, before entering thereon; and the treasurer, collector, and marshal shall severally give bond, payable to "The President and Trustees of the town of Columbus," in such penalty as the town council may require, for the faithful discharge of their duties, and for faithfully accounting for all moneys that may come to their hands, the security to be approved by the town council; which bond shall be filed in the office of the town clerk, for the benefit of said corporation, or any person aggrieved.

SEC. 20. Every qualified voter of the State, not insane or a pauper, who shall have resided in the town of Columbus for three months next preceding the election, shall be entitled to vote for president and trustees of said town.

SEC. 21. On the first Monday in June, and annually thereafter, polls shall be opened at the court house, or some other convenient place in said town, for the election of a president and five trustees of said town: Of the first election, ten days' notice shall be given by the existing trustees of said town; of all subsequent elections, the same notice by the town council.

SEC. 22. The first election for president and trustees under this act, the president of the existing board of trustees of said town shall act as inspector, and said election shall in all respects be conducted in the manner hereinafter required in the annual election of officers of said town.

SEC. 23. The president of said town, or in case of vacancy in his office, the president pro tempore of the town council, shall act as inspector of all elections in said town; he shall take to his assistance two qualified voters of said town, who shall act as judges; and said inspector and judges shall appoint a clerk of said election, all of whom, after being sworn or affirmed faithfully to discharge their duties as judges and clerk, respectively, of such election, (which oath the president of said town is authorized to administer,) shall proceed to receive the votes, between the hours of ten o'clock, A. M., and four o'clock, P. M., on the day of election: *Provided, however,* That if the president or president pro tempore shall fail to attend any election, the voters present may elect an inspector, who shall, after being sworn, proceed, in place of said president, to hold an election: After the polls are closed, the said inspector and judges shall proceed to count the votes given, and the said clerk shall keep a correct list of the voters and votes counted; and on or before the day subsequent to said election said inspector and judges, under their hands and seals, shall certify to the existing clerk of the president and trustees of said town, and at all future elections to the town clerk, the name of the person receiving the highest number of votes for president of said town, and the names of the five persons receiving the highest number of votes for trustees, who shall thereupon be deemed duly elected, which certificate shall be by the said clerk filed and recorded upon the record of the proceedings of the town council.

SEC. 24. When said certificate is filed and recorded, it shall be the duty of said clerk to make out and deliver to the several persons elected, a certificate of his election.

SEC. 25. No person shall be eligible as president or trustee of said town, unless he is a voter of said town.

SEC. 26. The town council shall have power to assess annually, against each male inhabitant of said town, who shall be twenty-one years of age, sane, and not a pauper, a poll tax not exceeding fifty cents, and upon all real and personal property an ad valorem tax not exceeding one-half of one per cent.

SEC. 27. The town council shall, on or before their stated meeting in March, determine whether any tax, either poll or property, on real or personal estate shall be levied, and thereupon the clerk shall forthwith make out and deliver to the assessor a copy of the assessment roll of the previous year, together with a precept under the seal of the corporation, if any, otherwise under his own seal or scrawl, commanding him in the name of the corporation on or before the first Monday in May next, to make return to the town council a complete list of all persons liable to a poll tax as aforesaid, and of all real and personal property liable to be assessed and taxed by the order of said town council, with the names of the owners, if known, and whether resident or not, and a just and fair valuation of the same.

SEC. 28. The assessor shall execute and return said precept according to the command thereof, carrying out said list in alphabetical order of the names of all persons liable for such taxes; and every such assessment shall be made or taken as if made on the first Monday in April, annually, from which time the taxes of the then current year shall be a lien upon the property assessed, and a charge against the owners of such property till paid.

SEC. 29. So soon as the assessment roll shall be made and returned, the town council shall determine the amount of poll tax and the per centum of tax to be levied on the assessment aforesaid; and thereupon the clerk shall forthwith make out and deliver to the collector an alphabetical list of the persons named in the said assessment roll, and the amount of tax of the current year, and the delinquent taxes of the preceding year, if any, chargeable against each, specifying whether the same is a poll or property tax, and if the latter, concisely describing the property, with its assessed value, together with a precept under the seal of said corporation, if any, if none, then under his own seal or scrawl, commanding him in the name of said corporation that he collect the taxes charged in said list, and that he return said list and precept, and pay over the money so collected on or before the fifteenth day of September next thereafter.

SEC. 30. The collector shall, on or before the first Monday in August, demand payment of the taxes of the persons charged therewith, respectively, or at their most usual place of residence, if residents, and upon payment, receipt therefor, specifying the year, amount of tax, and the property on which assessed.

SEC. 31. If said taxes shall not be paid on or before the first Monday in August, the collector shall proceed to collect the same, by distress and sale of the goods and chattels of the person charged therewith, giving ten days' notice of the time and place of such sale by written or printed advertisements, put up in three of the most public places in said town.

SEC. 32. In all cases where there are no goods and chattels out of which to make the taxes due and chargeable against any one person, or where property taxed belongs to non-residents, it shall be the duty of the collector to make sale of the lots or fraction of lots belonging to such person, or so much as will pay the taxes and costs due thereon, by giving at least three weeks notice of the time and place of such sale, in some weekly newspaper published in said town, if any, if none, then by notices put up in three of the most public places in said town, with the owners names, if known, and if not, the names of the persons to whom the same is supposed to belong, and the amount of tax due, and to file a copy of said advertisement with the clerk, to be by him filed with the records of said town: The collector shall on the day of sale proceed to sell said lot, lots, or fractions of lots to the highest bidder for cash, or to the person who will pay the taxes and costs due thereon for the smallest portion of the lot, lots, or fractions of lots so offered for sale, and shall give such purchaser a certificate of such sale, setting forth the quantity sold, the amount paid, including taxes and costs, and that said purchaser shall be entitled to receive a deed for the same at the end of two years from the date of such sale, unless the owner or owners, or some person for them, shall redeem the same before that time, by paying to said purchaser, his, her, or their heirs or assigns, the amount of said purchase money, with fifty per cent. thereon; the said redemption money may be deposited with the clerk of said town, for the use of said purchaser, his heirs, or assigns; the said clerk shall report such deposits to the council at their meeting next thereafter, which shall be entered of record.

SEC. 33. In case the owner or owners of any lot or lots, or fractional lot, his, her, or their agent or attorney shall not pay the amount of the said purchase money, with the said per centum, within two years from the day of sale, it shall be the duty of the collector then in office to make a deed to the purchaser, his, her, or their heirs or assigns, for such lot or lots, or fraction of lot, which deed, acknowledged according to law, shall vest the title in fee in said real estate in the purchaser, his heirs and assigns, and divest the owners of any title thereto; and the assessments made on such property, and the tax and costs for which the same was sold, shall be a lien on the same in the hands of any person who may purchase the same at private sale, and no conveyance made by the owner of the same after such assessment shall so divest the owner thereof of the title to said lot as to interfere with the claim of a purchaser under the provisions of this act; and every conveyance made by a collector under the

provisions of this act shall be prima facie evidence of regularity of all the proceedings prior thereto.

SEC. 34. The town council shall at all times have full power to refund any moneys wrongfully collected as taxes, and to correct any assessment or tax list as to them shall seem right.

SEC. 35. In addition to the powers heretofore granted, the town council shall have the control of the finances, and of all the property belonging to said corporation; and shall have power within said town to make, establish, publish, alter, modify, amend, and repeal ordinances, rules, regulations, and by-laws for the following purposes:

First—To prevent, restrain, prohibit, and punish all descriptions of gaming in said town:

Second—To regulate or prohibit the exhibitions of common showmen, and shows of every kind, or the exhibition of natural or artificial curiosities, caravans, and circuses.

Third—To prevent and punish any riot, noise, disturbance of the public peace, or disturbance of any lawful assemblies or meetings, and to prevent and punish disorderly assemblies in said town.

Fourth—To suppress and restrain disorderly houses, and groceries, and gambling houses, and to authorize the destruction of all instruments used for the purpose of gaming, and to punish those who keep or maintain gaming houses, or other disorderly houses or groceries:

Fifth—To compel the owner or occupant of any stable, barn, privy, sewer, or other unwholesome or nauseous house, to cleanse, remove, or abate the same, from time to time, as often as may be necessary for the health, or comfort, or convenience of the inhabitants of said town:

Sixth—To prevent and punish horse racing, immoderate riding, or driving in said town:

Seventh—To prevent the incumbering of streets, side walks, lanes, and alleys with wagons, carriages, carts, sleighs, sleds, drays, wheelbarrows, boxes, lumber, fire wood, timber, or any other substance whatever:

Eighth—To restrain and regulate the running at large of horses, cattle, swine, sheep, goats, and geese, and to authorize the impounding and sale of the same for the penalty incurred and the costs of prosecution:

Ninth—To prevent the running at large of dogs, and to authorize the destruction of the same, when running at large contrary to an ordinance of said town:

Tenth—To prohibit and punish the bringing, having, or depositing within said town any dead carcass or other unwholesome substance:

Eleventh—To prohibit and punish any amusement or practice having a tendency to endanger the safety of persons passing the streets, or to frighten teams or horses in said town.

Twelfth—To abate and remove nuisances, and for this purpose the jurisdiction of said corporation is extended one half mile beyond the limits of the town in every direction:

Thirteenth—To regulate the weighing and selling of hay, and of measuring and selling wood, and to appoint suitable persons to superintend the same:

Fourteenth—To establish and regulate town pounds:

Fifteenth—To establish market houses, and prescribe the regulations thereof:

Sixteenth—To purchase fire engines, and organize fire companies:

Seventeenth—To prohibit the selling, by retail, of any spirituous liquors or ardent spirits, to be drank in any store, grocery, out house, shop, yard, or garden, owned or occupied by the person selling the same, without a license from the said town council; and to this end said council shall have power to fix and determine the amount to be paid for such license, which sum shall not exceed the rates fixed for county license; to fix fines and penalties for a violation of their ordinances regulating groceries, and the retailing of such liquors or spirits:

Eighteenth—To regulate selling at private or public sale by pedlars and travelling merchants, and to fix the amount of license to be paid therefor:

SEC. 36. The town council shall have power from time to time to appoint such additional assistant marshals or other officers or agents as they may deem necessary to carry out and enforce the orders, ordinances, by-laws, decrees, and regulations of said corporation, and to prescribe their duties, regulate their compensation, and the said officers to remove at their pleasure:

SEC. 37. The said town council shall by their own regulations fix the time and manner of their appointing assessors, collectors, treasurers, clerks, marshals, and other officers and agents, and for filling vacancies in any of said offices:

SEC. 38. The said town council may do and perform all things necessary to carry into effect the powers granted to them by this act, and enforce obedience to all rules, regulations, ordinances, and by-laws made in pursuance of this act, by imposing fines and penalties for the violation thereof, not exceeding one hundred dollars for any one offence, to be recovered in the name of said corporation, by its corporate name, before the president of said town, or any justice of the peace of the township of Columbus, in an action of debt, with costs of suit.

SEC. 39. Every ordinance, by-law, or regulation of a public nature, or imposing a fine, penalty, or forfeiture for a violation of its provisions, shall, before the same takes effect, be published for three weeks successively in some public newspaper published in said town, or by written or printed advertisements posted up in three of the most public places in said town: In such latter mode of publication, such law, regulation, or ordinance to be in force after the lapse of twenty-one days from the time the same was posted: Proof of such publication, by the affidavit of the printer or clerk of the town council, taken before any person authorized to administer oaths, shall be conclusive proof of such publication, and of the existence

of such ordinance, by-law, or regulation, or decree in all courts of justice.

SEC. 40. In all actions brought to recover any fine, penalty, or forfeiture incurred under any by-law, ordinance, regulation, or decree made in pursuance of this act, it shall be lawful to declare in debt generally for such penalty or forfeiture, stating the by-law, ordinance, or regulation under which the penalty or forfeiture is claimed, and to give the special matter in evidence, and the defendant may in like manner plead the general issue, and give all matters of defence in evidence under that issue.

SEC. 41. The first process in all such cases shall be a *capias*; and execution may be issued immediately on the rendition of judgment; the defendant at all times to have the same right to replevy such judgments as in case of judgments before justices of the peace, and the service of executions to be the same as in cases of executions on judgments at law, rendered before justices of the peace, and all fines, and penalties, and forfeitures, when collected, to be paid to the treasurer for the use of the corporation.

SEC. 42. It shall be part of the judgment, in all such cases, that the defendant stand committed to the jail of the county of Bartholomew until such judgment be paid or replevied; in case such defendant be committed to jail for failing or refusing to pay or replevy any such fine or forfeiture and costs, he shall be held and detained in jail until the same is discharged by such detention, at the rate of fifty cents per day; and the warrant of the president or justice of the peace rendering such judgment shall be sufficient authority for the jailer of the county of Bartholomew to receive and detain such defendant, whose duty it shall be to receive such person in his custody; such warrant shall be sufficient authority for the officer executing the same: *Provided, however,* That the said corporation shall furnish suitable provisions to offenders imprisoned by virtue of this act: *And provided also,* That the said town council may, in their discretion, remit, either in whole or in part, any fine, penalty, or forfeiture assessed against any such offender.

SEC. 43. The town council shall have the sole and exclusive control of the streets, alleys, and lanes of said town, with full power to fix a general grade for the same, and to improve, open, grade, gravel, and pave the same from time to time.

SEC. 44. Whenever the owner of any lots or fraction of lots, on any street or section of street, lane, or alley shall be desirous of having the same graded, gravelled, or paved, or any other improvement made, if the owners resident on such street, section of street, lane, or alley, and representing two-thirds of the whole number of feet on each side of said street, section of street, lane, or alley, or two thirds of the whole number of feet on any side of any side walk to be improved shall by themselves or agents by petition to the town council represent plainly the kind and nature of the improvement desired, the said town council shall proceed to cause such improve-

ment to be made as to them shall seem best; and to defray the expense of the same, the said council may levy and assess the amount of such expense on all the lots fronting on such street, section of street, lane, or alley, according to the value of the lots or fraction of lots, exclusive of improvements, for the distance such improvement extends; which assessment and levy, from the time the same is made, shall be a lien upon such lot or lots until the amount so levied and assessed shall be fully paid: The said assessment and levy shall be collected by the collector of said town in the same manner and form as provided in the preceding sections of this act for the collection of other corporation taxes: The value of such lots shall be assessed by the assessor, under the direction of the town council.

SEC. 45. On the organization of the town council under the provisions of this act, all laws and parts of laws by which the town of Columbus has been incorporated, and all laws coming within the purview of this act, shall be and the same are hereby repealed; and said council shall thereupon have full power to demand, recover, and receive all books, papers, moneys, and effects, and every species of property belonging to the corporation at the time of the organization of the said council, and to collect all debts, demands, dues, taxes, and penalties that may at such time be coming or due to the existing corporation, all which shall vest in "The President and Trustees of town of Columbus," as a corporate body organized under this act.

SEC. 46. The proceedings of the existing president and trustees of the town of Columbus are hereby legalized.

SEC. 47. This act shall be a public act, and shall be liberally construed in all courts of justice in this State, and shall take effect and be in force from and after its passage.

CHAPTER XLIII.

An Act to amend an act entitled "An act to provide for opening and repairing public roads and highways in the counties of Gibson and Pike," approved January 31, 1842.

[APPROVED JANUARY 23, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That any and all judgments recovered, hereafter, by any supervisor in the county of Gibson, under and by virtue of the first section of the above recited act to which this is an amendment, shall be collected without the defendant thereto being entitled to the benefit of any valuation or appraisement law or laws.

SEC. 2. It shall be the duty of the clerk of the board of county commissioners of Gibson county, immediately after the adjournment of said board at the March term in each year, to make out and deliver to the sheriff of said county the appointments in the fifth section of said act mentioned; and said sheriff shall, within twenty days after receiving the same, deliver the same to the said supervisors, respectively, either himself or by deputy, and make return thereof to the clerk of said board; and said supervisors shall each, within ten days after receiving said appointments, notify the said clerk in writing of their non-acceptance of said office, or otherwise be subject to all the liabilities and to perform all the duties of said office during the time for which they were appointed.

SEC. 3. All laws and parts of laws coming in conflict with this act be and the same are hereby repealed.

SEC. 4. This act to be in force from and after its passage and the filing of a certified copy thereof in the office of the clerk of said board; and it is hereby made the duty of the Secretary of State to forward said copy to said clerk.

CHAPTER XLIV.

An Act to repeal an act in relation to road tax in the town of Laporte.

[APPROVED JANUARY 23, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That an act entitled "An act in relation to road tax in the town of Laporte," approved January 13, 1844, be and the same is hereby repealed.

SEC. 2. That so much of the general laws repealed by the act hereby repealed be and the same are hereby revived.

SEC. 3. This act to be in force from and after its passage.

CHAPTER XLV.

An Act authorizing the county commissioners of Noble county to make an allowance to the treasurer of said county for collecting road tax receipts.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board doing county business in the county of Noble may allow the treasurer of said county such compensation as they may deem just and right for collecting road tax receipts, to be paid out of moneys paid in for road tax.

SEC. 2. This act to be in force from and after its passage; and it shall be the duty of the Secretary of State to transmit a certified copy of this act to the clerk's office of said county as soon as convenient.

CHAPTER XLVI.

An Act for the improvement of the river Patoka, in Gibson county.

[APPROVED JANUARY 23, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board doing county business in the county of Gibson are hereby authorized, at their discretion, at their term in each year in which they lay their county tax, to lay a tax, not exceeding one cent on each one hundred dollars of taxable property in said county, to be appropriated by and under the control of said board to the removal of obstructions to the navigation of the river Patoka, in said county.

SEC. 2. It shall be the duty of the auditor of said county to charge said tax upon the duplicate of taxes, in the same manner that other taxes are charged, and it shall be the duty of the treasurer of said county to collect the same in the manner that other taxes are by him collected.

SEC. 3. The said board doing county business shall appoint, at their September term in each year, a commissioner to expend said fund for the purpose aforesaid: Said commissioner shall have power to make contracts for the removal of obstructions, hire hands, and do all other acts necessary to effect the objects of his appointment: *Provided*, That said commissioner shall not expend nor contract for the expending of a greater amount of money in each year than the county board shall order to be expended.

SEC. 4. The county board may, in their discretion, require said commissioner to execute a bond, with good security, payable to the said board in their corporate capacity, in an amount to be by them ordered, conditioned for the faithful performance of his duties.

SEC. 5. The said commissioner shall expend the amount of money ordered by the county board, between the first of September and first of December in each year: He shall take an oath faithfully to discharge his duties; and shall have power from time to time to draw orders upon the auditor of said county, who shall audit the same, and draw his warrant upon the county treasurer, designating therein for what purpose said amount is drawn, which warrants, when so drawn, shall be paid by said treasurer as other warrants; and he shall receive such compensation as said board may, at the time of his appointment, order to be paid out of said fund.

SEC. 6. All acts and parts of acts coming within the purview of this act be and the same are repealed, so far as the county of Gibson is concerned; and this act to take effect and be in force from and after its passage.

CHAPTER XLVII.

An Act to locate a State road in the counties of Howard and Carroll.

[APPROVED JANUARY 23, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That Theophilus Bryant, Uriah Collins, and Lowry Foster, of the county of Howard, be and they are hereby appointed commissioners to view, mark, and locate a State road; commencing at New London, in said county, thence by the nearest practicable route to the south-west corner of section twenty-seven, in township twenty-four north, of range two east; thence on the section line between sections twenty-seven and twenty-eight to or near the half mile stake; thence to the south-east corner of section seventeen, in township twenty-four north, of range two east; thence to intersect the Michigan road at the crossing of the south fork of Deer creek, in Carroll county.

SEC. 2. The said commissioners, or a majority of them, shall meet on the second Monday of April next at the said town of New London, and proceed to view, mark, and locate said road, and in so doing shall be governed by the law for laying out and establishing highways as found in the Revised Statutes of 1843.

SEC. 3. The said commissioners shall file in the office of the auditor of each of said counties a statement of their proceedings,

within thirty days after locating said road; and for locating the same they shall receive pay according to the provisions of the seventh section, chapter sixteen, article one, page three hundred and twenty-seven of the Revised Statutes.

SEC. 4. This act to be in force from and after its passage.

CHAPTER XLVIII.

An Act to incorporate the Blue River and Sugar Creek Bridge Company.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all persons who shall become stockholders pursuant to the provisions of this act be and they are hereby constituted a body corporate and politic, by the name of "The Blue River and Sugar Creek Bridge Company," and by that name may sue and be sued, either in law or equity, in any court having jurisdiction of the subject matter in controversy; and said company shall have authority to make such by-laws, rules, and regulations, not inconsistent with the constitution and laws of this State and the United States, as shall from time to time be found necessary to promote the objects and interests of said company.

SEC. 2. That Nathan Kyle, Alfred C. Thompson, and James Thompson, or any of them, are hereby authorized to procure and open a book for the subscription of stock, in shares of five dollars, payable as may be deemed most proper for the advancement of the objects of said corporation.

SEC. 3. The capital or stock to be subscribed for and taken to carry out the objects of said corporation, shall be determined by the person or persons opening the book for such subscription.

SEC. 4. As soon as the sum determined upon shall have been subscribed, the person or persons having the book containing the same in his or their possession shall call a meeting of such subscribers, giving notice of the time and place by putting up six manuscript advertisements thereof, in as many of the most public places in Blue River and Ninevah townships, Johnson county, at least two weeks previous thereto; and said subscribers, when so convened, or a majority of them, shall choose out of their own number seven directors, to serve as such for one year, and until successors are chosen and qualified; and a majority of such directors shall constitute a quorum for the transaction of business, choose and appoint one of their own body president, and such other officers as they may think necessary for the proper and efficient transaction of the business of said corporation.

SEC. 5. The subscribers shall annually after their first meeting, meet at such place as may be by them agreed upon, and choose directors, each subscriber being entitled in all cases to a number of votes equal to the number of his shares.

SEC. 6. The president of said corporation may bring suit in the name of the corporation against any subscriber failing to pay his subscription, in any court of competent jurisdiction, and such court shall hear and determine the same as other suits are heard and determined.

SEC. 7. No failure to choose directors shall cause a dissolution of said corporation, but those directors last chosen shall continue in office until others are chosen, and a majority of such directors shall have power to appoint from among the members of the corporation persons to fill all such vacancies of directors as may occur from death, removal, or resignation.

SEC. 8. So soon as said corporation is organized by the choice of directors, such directors shall apply the stock subscribed in the erection and completion of good substantial timber bridges across Blue river and Sugar creek, in Johnson county, at or near the road leading from Martinsville, in Morgan county, to Edinburgh, in Johnson county, crosses said creek and river, and whenever said bridges or either of them are completed, said corporation may erect a gate upon the same, and demand and receive such rates of toll for crossing each bridge as shall be agreed upon by the directors: *Provided*, Such rates of toll are made out and entered in the corporation book, a copy thereof filed in the office of the clerk of the Johnson circuit court, and another be continued conspicuously posted up at the gates: *And provided further*, That the rate of tolls so fixed shall in no case be increased during the next year, and if subsequently increased the public to be notified thereof as in this section provided.

SEC. 9. After the erection of said bridges and gates if any person shall wilfully injure the same or either of them, the person so offending shall forfeit and pay to said corporation treble the damage done, to be recovered by said corporation by action of debt in any court of competent jurisdiction.

SEC. 10. If any person shall forcibly pass or having passed over either of said bridges shall fail to pay when demanded the tolls fixed by said directors as provided by this act, such person shall forfeit and pay treble the amount of such toll, to be recovered in like manner as provided by the ninth section of this act.

SEC. 11. If any toll collector or receiver shall unreasonably delay or hinder any passenger at either of the said gates in his, her, or their passage over either of said bridges, or shall receive or demand more than the rate of toll fixed upon by the directors as in this act provided, he or she so offending shall forfeit and pay to the person so imposed upon, the sum of three dollars, to be recovered by action of debt before any justice of the peace of the proper township.

SEC. 12. It shall be the duty of the said corporation to keep an accurate account of all expenditures in the construction, repairs, and

management of said bridges, and also of all receipts for tolls; and at the end of each year after the completion thereof, and after the payment of expenses for repairs and management, strike and pay over dividends to subscribers, a report of which shall be made to the General Assembly of the State of Indiana whenever required.

SEC. 13. This General Assembly reserves the right at any session thereof after the erection of said bridges, to restrict said corporation as to the rate of tolls to be charged for crossing said bridges.

SEC. 14. Said corporation shall so construct the said bridge across Blue river as not to interfere with the navigation thereof, any thing in this act to the contrary notwithstanding.

SEC. 15. This act to be in force from and after its passage.

CHAPTER XLIX.

An Act in regard to the former surplus revenue agent in Perry county (John Elder) and his securities.

[APPROVED JANUARY 21, 1847.]

WHEREAS, It is represented to this present General Assembly that John Elder, formerly surplus revenue agent in Perry county, in his final settlement with the proper authority, as surplus revenue agent aforesaid, fell indebted to said fund eighteen hundred and six dollars and ninety-six or ninety-eight cents (\$1,806 96 or 98) which he did not account for: AND WHEREAS, The legislature by a special act, approved ———, extended to him six years credit for the aforesaid sum, upon his giving his bond, with security to be approved of by the proper authority, to bear seven per centum per annum interest, to be paid annually in advance, and which bond was given by him, with Arnold Elder, William Mitchell, Solomon Mitchell, John Mitchell, Thomas Wheatley, and William Elder, his securities, and which bond was taken and approved by the proper authority, and upon which bond only a small part of the interest has ever been paid, and suit is now pending in the Perry circuit court for the principal and interest, and it is represented by petition, and otherwise, to this General Assembly that it is uncertain whether said John Elder and his securities aforesaid have sufficient property which can be subjected to execution, and consequently said fund is unsafe, and may be, or a portion of it, may ultimately be lost without some provision is made by which it can be secured: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the board doing county business in said county of Perry shall appoint one commissioner at their February term, or some subsequent term, and the said securities shall appoint one commissioner, whose duty it shall be jointly to appraise at cash valuation a certain tract of land in said county, in Union township, bordering on the margin of the Ohio river, containing one hundred and forty acres and ninety-hundredths of an acre, which land is known and designated as the south-west fractional quarter of fractional section seventy-seven (77), in township five (5) south, of range one (1) west; and if the two said commissioners cannot agree as to the value of said land, then they shall select a disinterested third person to unite with them in the valuation of said land, and whatever the three, or any two of the three, shall agree said land is worth, shall be considered its cash valuation.

SEC. 2. Said land shall be received at its said appraised value as a payment upon said bond, which is now in suit as aforesaid: *Provided,* Said securities obtain to themselves and have recorded in the recorder's office in Perry county a quit claim from all of the other heirs of Arnold Elder, senior, deceased, viz: Samuel, George, Joseph, and Sylvester Elder, and Henry Miller, and his wife, who was the daughter of the said Arnold Elder, deceased: *Provided further,* Said securities obtain a conveyance to themselves from Samuel Elder, who resides in Brackenridge county, State of Kentucky, and his wife, Susan Elder, making to them a good title to said land, and have it recorded in said recorder's office: *Provided further,* Said securities upon said valuation make a conveyance by a general warantee deed of said land to the auditor of Perry county, for the use and benefit of the surplus revenue fund of said county: *Provided further,* Said securities set apart and convey to said auditor for the same purpose as the foregoing tract is to be conveyed, either forty or eighty acres of land, chiefly wood land, adjoining or in the neighborhood of said land, the value of which is to be ascertained by the same two commissioners, and their umpires if necessary, the amount of the value of which is also to be credited on said bond in suit as aforesaid: *Provided further,* The said securities, after obtaining a credit on said bond upon which suit is depending as aforesaid, for the appraised value of the two said tracts of land, shall confess a judgment upon said bond for whatever may be due and still owing at the next term of said court, and secure the same, either by payment or replevying the judgment for six months: *Provided, also,* If the auditor desires it, the said securities shall retain possession of said lands for three years from the first day of February, 1847, as renters, for which they are to give their obligation to pay said auditor one hundred dollars rent per year, and deliver the possession of the land at the expiration of the three years in good repair, as to fencing.

SEC. 3. The two said commissioners and their umpire, before

entering upon the duties herein assigned them, shall take an oath to faithfully discharge the same, and deliver to the auditor a certified copy thereof.

SEC. 4. All expenses arising from the valuation and conveying of said land as by this act is provided, shall be defrayed by said securities, and the said commissioners and their umpire shall each be entitled to one dollar for each day they are necessarily engaged in the duties herein required.

SEC. 5. This act shall be in force from and after its passage; and it shall be the duty of the Secretary of State to forthwith transmit a certified copy to the auditor of Perry county, whose duty it shall be to file it in his office, subject to be examined by any person interested.

CHAPTER L.

An Act to incorporate the Greenfield and Shelbyville Railroad Company.

[APPROVED JANUARY 28, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That Elijah Tyner, John Templin, William Sebastian, and John Wolfe, of Hancock county, and A. Rittenhouse and Hiram Comstock, of Shelby county, and their successors in office be and they are hereby declared a body corporate and politic, by the name and style of "The President and Directors of the Greenfield and Shelbyville Railroad Company, and shall be capable in law and equity to sue and be sued, plead and be impleaded, answer and be answered unto in any and all courts whatever; to make and use a common seal, and the same to alter and change at pleasure; and shall be and are hereby authorized and empowered to make contracts, and make and enforce the necessary laws, rules, and regulations to enable them to carry into effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the laws and constitution of this State.

SEC. 2. The capital stock of said corporation shall be twenty thousand dollars, divided into shares of fifty dollars each, with power on the part of said corporation to increase the capital stock if necessary to complete and accomplish the objects herein contemplated.

SEC. 3. The directors in this act named, or a majority of them, shall meet at such time and place as they may agree on, and organize said corporation by electing one of their body president, and after such organization any four of them shall be a quorum to do business.

SEC. 4. The said corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, artists, and all other persons and officers necessary to carry into effect this act; they shall keep a journal of their proceedings, in which shall be entered all by-laws and regulations, and all orders for the payment of such allowances as may be made to their officers and all others in their employment, which journal and proceedings shall from time to time be signed by the president: They may sit on their own adjournments, or meet on the call of their president; when the president is absent from the meeting, they shall appoint one of their number president pro tempore, and they shall fill all vacancies that may happen in their own body.

SEC. 5. Subscriptions to the capital stock of said company may be made either in money, labor, real estate, or necessary and proper materials for the construction of said road; and all subscriptions which are to be paid in labor or materials shall be paid to and received by said company at their cash value, to be ascertained by appraisers appointed for that purpose by said company: Said corporation shall cause books to be opened at such times and places as they may choose, due notice of which shall be given in some public newspaper printed and published in the vicinity of said road, in each of which books the following entry shall be made: "We, the undersigned, promise to pay the sum of fifty dollars for each share of stock set opposite to our respective names, in such manner and proportion and at such times as the president and directors of the Greenfield and Shelbyville railroad company may direct: Witness our hands, this — day of —, 18—."

SEC. 6. It shall be lawful for all persons of lawful age, or for any corporate body in the United States, by their constituted officers or agents, to subscribe for any amount of the capital stock of said railroad company; and the said corporation may, by their officers or authorized agent or agents offer for sale in any of the States of the United States, any amount of their stock upon such terms and conditions as may be thought advisable; and said corporation shall have power to borrow money (on their own credit) or by pledging the real estate subscribed as stock, or both, upon such terms as may be agreed upon by the parties: The said corporation may require such sums of money to be paid at the time of subscribing for stock, not exceeding five dollars on each share, as they may think proper; but the amount required to be paid on each share subscribed for shall be made known in the notice for opening the books, and any future instalments or payments on stock shall be under the control of and regulated by the said company, subject to the restrictions hereinafter mentioned.

SEC. 7. As soon as the capital stock is subscribed for and the amount required in said notice to be paid on each share at the time of subscription shall have been paid in, it shall be the duty of said corporation to give three weeks notice thereof in some public newspaper or newspapers near said railroad, and in said notice appoint a time

and place for said stockholders to meet and elect nine persons, who shall be stockholders and citizens of this State, and which election shall be by ballot, and conducted under the superintendence of an inspector and two judges, selected by a majority of the stockholders present at such election, and the nine persons receiving the highest number of votes, shall be declared duly elected: In all elections each share shall entitle the owners thereof to one vote, and any person or persons being the owner or owners of more than one share of said stock shall be entitled to a vote for each share; the vote or votes in all cases to be given by the owner or owners thereof, by him, her, or themselves, or by their agents, proxies, or legal representatives.

SEC. 8. It shall be the duty of the directors elected as above, and those elected at all subsequent elections, to elect one of their own body president: The president and directors thus elected shall continue in office until the next annual election and until their successors are elected and qualified.

SEC. 9. All elections after the first shall be held on the first Monday in January in each year, to be conducted in all respects as specified in section seven of this act: Three weeks notice in some public newspaper near the said road shall be given by the said board of the time and place of holding such elections; and the directors elected at any such annual election shall hold their offices for one year and until their successors are elected and qualified; but should no election be held on said first Monday in January in any year, it shall be lawful to hold an election on some other day to be appointed by said board, of which notice shall be given as above in this section specified, and to be conducted in the same manner as is provided for in section seven, and the directors thus elected shall hold their offices until the next annual election and until their successors are elected and qualified.

SEC. 10. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held; such certificates shall be signed by the president and countersigned by the clerk of said company: The stock shall be transferred on the books of the corporation only by the person or persons owning the same in person, or by their legally constituted agent or agents, attorney or attorneys, or by their legal representatives, trustees, or guardians; and such stock shall be at all times holden for any dues from the owners thereof to the corporation or for any sums that may thereafter become due, or any contract made with said corporation prior to such transfer.

SEC. 11. The said corporation shall have power to call for such portion of the stock subscribed for (not exceeding fifteen per centum in every six months) as they may think proper, to be paid at such time and place as they may designate, by giving sixty days' notice thereof in some newspaper near the said road, or by giving to the stockholders written notice, in which shall be specified the amount called for and demanded on each share, and the time and place of payment, and if any stockholders shall fail, neglect, or refuse to pay the sum so called for on his, her, or their stock within ten days after

the time named for such payment in said notice, the corporation may bring suit against such delinquent for the amount due and called for, in any court having jurisdiction, and recover the amount so called for and unpaid, together with interest from the time of such failure, neglect, or refusal, and the evidence to establish such claim of the corporation shall be the order in the journal of the proceedings of said corporation for calling for the instalment on the stock, and proof that the notice above specified has been given; and if the amount so recovered against any such delinquent cannot be made on execution, or if such delinquent is out of the State, then the corporation may, by an order on their journal of proceedings, declare such stock and all that may before have been paid thereon forfeited to said corporation; and no delinquent, after the failure, neglect, or refusal aforesaid and before the stock shall be declared forfeited to the corporation, shall have the right to vote for directors, or receive any divisions on his, her, or their stock, until the corporation is fully paid and satisfied; and should any such delinquent or delinquents be a director or directors in said corporation, his or their offices of director or directors may be by the balance of said board declared vacated, and they may proceed to fill, from the qualified stockholders in said corporation, such vacancy or vacancies in such board of directors, and the person or persons so appointed shall hold their office or offices until the next annual election and until their successors are elected and qualified: The corporation shall require from all officers and others in their employ bonds, with such security as they may think proper, for the faithful performance of their respective duties or undertakings.

SEC. 12. The said corporation shall have power, by themselves or agents, to examine and, survey, and locate a route, and make and construct on such route a railroad from some convenient point in the town of Greenfield, Hancock county, to some convenient point at or near the depot of the Shelbyville Lateral Branch Railroad Company, in the town of Shelbyville, Shelby county, Indiana: The commencement of said road shall be in the said town of Greenfield, but the particular point of commencement in said town shall be designated and established by the board of directors next succeeding those in this act mentioned, and the terminating point of said railroad route shall be designated and settled by the same board of directors; and when said board shall have designated and settled upon the commencing and terminating points, they shall record the same upon the journal of proceedings of said board, which shall preclude the said corporation from ever designating or fixing any other points of commencement or termination; and when said points of commencement or termination shall have been designated and settled as before mentioned, the said corporation shall have power and they are hereby authorized, by themselves or agents, to examine, and survey, and locate a railroad route from such commencing to such terminating points, on the most suitable ground and such as will be most conducive to the public good and the interest of said corporation, and

to build and construct a railroad for such motive power as may be determined on by said corporation: *Provided, however,* That the said railroad route shall not be located on any State or county road without the said corporation first having obtained permission so to do from the board of county commissioners of the county in which a State or county road is sought to be used, and which permission, when once given and entered on the order book of said commissioners, shall be irrevocable during the existence of this corporation: *Providing,* Said corporation, before asking for the use of said State or county road, shall give three weeks' notice in some newspaper printed in the county where such application is to be made, if any there be, if not, by written notices in three of the most public places in said county.

SEC. 13. And for the purpose of making such examination and location of said railroad route, it shall be lawful for said corporation, and their agents, and persons in their employ, to enter upon any land to make surveys and estimates, and for the purpose of searching for stone, wood, or other materials necessary for the construction of said railroad; but no stone, or wood, or other materials shall be taken away from any land without the consent of the owner thereof, or until the amount of compensation therefor has been ascertained.

SEC. 14. It shall be lawful for said corporation, either before or after the location of said railroad, to obtain from any person or persons through whose lands said road may run, a relinquishment of so much land as may be necessary for the construction of said road; also, the stone, timber, and other materials that may be obtained on said route, and may contract for any stone, timber, or other materials on any lands near to said road for the benefit of said corporation, and said corporation may receive by gift, grant, donation, or bequest, made and entered into in writing, by any person capable in law of contracting, made in consideration of said road, and for the benefit of said corporation, lands, money, labor, stone, timber, or any other kind of property, and all such gifts, grants, donations, and bequests shall be binding and obligatory, and the said corporation shall have their action at law or in equity to compel a compliance therewith: *Provided,* That no such contract, relinquishment, gifts, grants, donations, or bequests shall be binding and obligatory until the same shall be in writing, and signed by the party making the same.

SEC. 15. That whenever said corporation shall have procured the right of way as herein provided, they shall be seized in fee simple of the right to said land, and shall have the sole use and occupation of the same for the purposes aforesaid; and no person, body politic, or corporate shall in any way interfere with, molest, disturb, or injure said corporation in any of their rights and privileges granted.

SEC. 16. The said corporation shall commence the construction of said road within three years after the passage of this act, and shall finish the same within ten years thereafter.

SEC. 17. That the said corporation, for the conveyance or transportation of passengers or any kind of freight on said road, or any portion of it, may charge such sums of money as shall best comport with the interest of said company, and as shall not be considered oppressive: The work to commence at Shelbyville.

SEC. 18. Any person who shall wilfully or maliciously destroy or injure any of the cars, machinery, furniture, apparatus, or other property or thing, belonging or appertaining to said railroad, or shall wilfully, mischievously, or maliciously place any obstructions on said railroad, shall, on conviction thereof, by presentment, be fined in any sum not exceeding five hundred dollars, and shall moreover be liable in an action on the case to any person or persons, body politic or corporate, and for any and all injuries to persons or property occasioned thereby.

SEC. 19. The said corporation shall cause to be kept a fair account of the costs of the making and repairing of said road, and every section thereof, and all incidental expenses, and shall also keep a fair account of any and all moneys received from the transportation of freight, mails, or other property or passengers on said road, and the books of said corporation shall always be kept open for the inspection of stockholders and creditors of said corporation.

SEC. 20. That in all cases where any person through whose land the road may run shall refuse to relinquish the same, or where a contract between the parties cannot be made, it shall be lawful for the corporation to give notice to some justice of the peace in the county where such difficulty may occur, and such justice shall thereupon summon the owner of said land to appear before him on a particular day, within ten days thereafter, and shall appoint twelve disinterested persons of the neighborhood, who shall, after taking an oath faithfully and impartially to assess the damages, if any, on the lands or materials, and after having taken into consideration the advantages as well as the disadvantages the road may be to the same, and shall report thereon, whether such person is entitled to damages or not, and if so, how much, and shall file such report with such justice, whereupon said justice shall enter judgment thereon, unless for good cause shown, and in case either party should show sufficient cause why judgment should not be entered, the justice may grant a review of the premises, either with or without costs: *Provided*, That either party may at any stage of the proceedings appeal to the circuit court of the county, as in other cases, and such court shall appoint viewers as above directed, who may report at that or the succeeding term of the court, and the judgment of the court shall be final.

SEC. 21. That this charter shall be subject to repeal upon the violation by the said corporation of any of its provisions herein, or when its franchises may prove oppressive to the counties through which said road shall run, or when public good may require.

SEC. 22. The stockholders shall be liable in their individual capacity for the payment of all dues to laborers for work done upon said road, not paid by them in their corporate capacity.

SEC. 23. This act is hereby declared a public act, and shall receive a liberal construction.

SEC. 24. This act to be in force from and after its passage.

CHAPTER LI.

An Act for the better regulation of the board doing county business in the county of Warrick.

[APPROVED DECEMBER 29, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the oldest justice of the peace in commission in each township to attend upon and compose the board doing county business in the county of Warrick: *Provided*, That in case of sickness, death, or other cause of inability to attend on the part of the oldest justice as aforesaid, it shall be the duty of the next oldest in commission to attend said board, and receive the same pay of the other members of the board.

CHAPTER LII.

An act to establish a State road on a portion of the dividing line of the counties of DeKalb and Steuben.

[APPROVED JANUARY 2, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Archibald Smith, Stephen Turner, and John Baxter, all of the county of DeKalb, be and they are hereby appointed commissioners to view, mark, and locate a State road, beginning at the point where the State road leading from Auburn, in DeKalb county, to the village of Hamilton, in Steuben county, crosses the dividing line of said counties of DeKalb and Steuben, to run westward from said point on the said dividing line, or as near as good ground for a road can be found or obtained, until it intersects the State road leading from Auburn aforesaid, to Angola, in Steuben county.

SEC. 2. The said commissioners shall meet at the house of John Baxter, in DeKalb county, on the first Monday in February, 1847, or

at any other time that will suit their convenience, having previously taken an oath faithfully to discharge their duty as such commissioners, before some person authorized to administer oaths; and any two of said commissioners shall constitute a quorum and may proceed as aforesaid.

SEC. 3. The said commissioners shall make a report to the county board of DeKalb county, at their first subsequent session, and said board shall order the supervisor or supervisors in the county of DeKalb, through and between whose districts said road shall pass, to have the same opened the usual width, and the said board shall have the report of said commissioners recorded in the record book of roads in DeKalb county, and said board shall make such allowance to said commissioners as to them shall seem just and equitable; and said commissioners are hereby empowered to have a surveyor, chain-bearers, and one axeman, if they see cause to do so.

SEC. 4. The board doing county business for said county of DeKalb shall certify under the seal of their court the cost of locating said road aforesaid to the board doing county business for Steuben county, whose duty it shall be, at their first subsequent session, to make an order for the payment of one-half of said certified expenses out of the treasury of the county of Steuben: Said payment shall be made to the sheriff of DeKalb county, whose duty it is hereby made to transmit said certified expenses of locating said road to the auditor of Steuben county, and receive said contemplated payment of one-half of said certified expenses, and transmit it to the treasurer of DeKalb county.

SEC. 5. This act to be in force from and after its passage, and a certified copy filed in the auditors' offices of the counties of DeKalb and Steuben.

SEC. 6. It is hereby made the duty of the Secretary of State to transmit forthwith by mail to the respective auditors of the counties of DeKalb and Steuben, each one copy of this act.

SEC. 6. The auditor of DeKalb county shall, immediately after receiving a copy of this act, make out three transcripts of the same, and transmit one to each of the commissioners named in the first section of this act.

CHAPTER LIII.

An Act to abolish the office of county auditor in the county of Sullivan.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the office of the county auditor be and the same is hereby abolished in the said county of Sullivan.

SEC. 2. That the duties heretofore required of and performed by the county auditor of said county shall be transferred to and performed by the clerk of the circuit court of said county, in the same manner and subject to the same liabilities and invested with the same powers that by law is now required of and conferred upon the county auditor.

SEC. 3. It shall be the duty of said clerk to give an additional bond, with good and sufficient security to be approved of by the county board of said county, conditioned for the faithful performance of his duties as required by law.

SEC. 4. It shall be the duty of the board doing county business to allow said clerk, out of the county treasury, any sum not exceeding one hundred and fifty dollars, as a full compensation for the services required of him by the provisions of this act.

SEC. 5. This act to take effect and be in force from and after the first day of April next; and all acts and parts of acts contravening the provisions of this act be and the same are hereby repealed.

CHAPTER LIV.

An Act for the improvement of the Cambridge City and Fort Wayne State road, in the county of Wells.

[APPROVED JANUARY 18, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That so much of the road tax as may be assessed against the lands laying on the Cambridge City and Fort Wayne State road, for one and a half miles in width, on each side of said State road, commencing at the south-east corner of section twenty-eight, township twenty-seven north, of range twelve east, thence north to the county line between Wells and Adams counties, shall be applied to the improvement of said State road for the term of five years from and after the passage of this act.

SEC. 2. It shall be the duty of the several supervisors of roads in whose district said road lies, to attend to having the proper work and improvement done on said road, according to the law governing supervisors in Revised Statutes of 1843.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER LV.

An Act to incorporate the town of Williamsburgh, Wayne county.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the inhabitants of so much of the county of Wayne as is contained in the following boundaries, to-wit: Beginning forty feet east of the south-west corner of section number —, township number seventeen, range fourteen east; thence north to opposite Job Coggsall's south-east corner; thence west to the north-west corner of Joshua Ballinger's mill property; thence south-west to the corner of the original town plat; thence south to Joseph Lewis's north line; thence east to the place of beginning, are created a body politic and corporate, by the name and style of "Williamsburgh," and by that name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places, either in law or equity.

SEC. 2. The qualified voters within the bounds of the above described territory shall be required to meet on the first Monday of March, 1847, for the purpose of electing seven councilmen; and such councilmen, when duly elected and qualified, shall have power to appoint one of their number president, and to appoint a treasurer, clerk, and marshal for said incorporation. *Provided, however*, That before going into the election of such councilmen, the members of such incorporation present shall appoint an inspector, who shall thereupon select two judges and two clerks, all of whom shall be duly sworn as such, and such election shall be conducted in all things as other elections are conducted.

SEC. 3. The officers thus elected shall meet within ten days after such election, and take an oath to discharge their duty faithfully; and the councilmen shall have the right to fill any vacancy that may occur in their own body, or in the office of treasurer, clerk, or marshal; the term of service of said councilmen and officers shall be one year.

SEC. 4. The treasurer, clerk, and marshal shall each give bond in a penalty of five hundred dollars for a faithful discharge of their respective duties.

SEC. 5. The council shall have power annually to levy and collect a tax on real and personal property, not to exceed one-fourth of one per centum on its valuation; and on all shows, exhibitions, or amusements which may be exhibited for gain, not less than one nor more than ten dollars for each exhibition; and further, the council shall have the power to pass all such laws or ordinances and by-laws as may be necessary and proper to guard against fire; to regulate and govern the market; to prevent the erection or maintenance of public nuisances, and to remove the same; and generally to enforce, by proper penalties, the observance of all necessary and proper ordinances and laws relative to the good government and policy of said incorporation.

SEC. 6. The clerk shall make out the duplicate of taxes assessed, and keep a record of the proceedings of the council.

SEC. 7. It shall be the duty of the marshal to collect all such taxes as may be assessed against the persons or property in said incorporation.

SEC. 8. The same rules shall govern in the return of delinquent lands or lots for non-payment of the tax thereon, and the sale and all other matters relative thereto, as governs in cases of failure to pay State and county revenue.

SEC. 9. All moneys arising from fines, licenses, and other sources, shall be paid into the treasury of said incorporation, and shall be expended under the direction of the council upon the streets of said town.

SEC. 10. This act to be in force from and after its passage.

CHAPTER LVI.

An Act [to amend an act] entitled "An act declaring a part of Salt Creek a public highway," approved February 13, 1840.

[APPROVED JANUARY 25, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Salt Creek, from David's mill, in Brown county, to the north line of Lawrence county, be declared a public highway, for the purpose of enabling the inhabitants to remove all obstructions from said stream that may prevent navigation: *Provided*, That nothing in this act be so construed as to authorize the removal of any mill dam now built or that may hereafter be built across said stream.

SEC. 2. It shall be the duty of the boards doing county business in the county of Brown, at their May session, or at any subsequent session, to lay off so much of said stream as lies within their respective county within the above prescribed limits into districts, extending two miles from said stream on each side, and to assign to such districts certain bounds of proper size, and on petition by a majority of the citizens of any district to appoint one suitable person as supervisor of said district so laid off, to be denominated supervisor of Salt Creek, who shall serve for and during the term of one year from and after such appointment, whose duty it shall be to superintend all the labor appropriated to and by this act directed to be laid out on said stream: *Provided, however,* That it shall be lawful for any township to elect the supervisors of said stream at the April elections, in the same manner that supervisors of roads and highways are elected; and any supervisor so elected shall have the same power or powers and be liable to the same penalties to which supervisors appointed by this act are liable.

SEC. 3. That the citizens liable to work on public roads and highways in said districts shall, from and after the taking effect of this act, be required to perform two days' labor in each and every year, under the directions of the supervisors appointed or elected under the provisions of this act, in whose district they may respectively reside upon said stream, for the purpose of removing all obstructions to the free passage of the water down said stream, except those named in the proviso to the first section of this act.

SEC. 4. That it shall be the duty of every supervisor appointed or elected under the provisions of this act, after having taken an oath or affirmation faithfully to discharge the duties assigned them, to call on all persons living within the limits of their respective districts, to perform the work required by this act; and if any person shall fail or refuse to perform such labor, he having received three days previous notice thereof from the proper supervisor in person, or by any person by whom he can prove the same, or by a written notice left at the usual place of residence of such person, [he] shall forfeit and pay the sum of seventy-five cents for each day he may so neglect or refuse to labor, to be recovered before any justice of the peace of the proper township having jurisdiction thereof, in the same manner and subject to the same regulations as are now prescribed for the collection of fines for failing or refusing to work on public roads and highways, and when collected shall be appropriated by said supervisor to improving said stream.

SEC. 5. Any person refusing to accept said appointment of supervisor, or to take the oath or affirmation required, shall forfeit and pay the sum of three dollars, to be recovered by presentment or indictment: *Provided,* That no person shall be compelled to accept said appointment oftener than once in five years.

SEC. 6. Every person who shall at the request of the supervisor furnish a pair of horses or oxen and driver, and perform one day's work with them, shall for such day's work so performed receive a

credit for two days' work, and so on in proportion for similar services with a greater or less force.

SEC. 7. Any supervisor failing to discharge any of the duties enjoined on him by virtue of this act, shall for every such offence forfeit and pay any sum not exceeding twenty dollars, to be recovered by presentment or indictment in any court having competent jurisdiction thereof.

SEC. 8. This act to take effect and be in force from and after its passage.

CHAPTER LVII.

An Act in relation to road tax in the county of Elkhart.

[APPROVED JANUARY 2, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter the amount of road tax to be assessed annually in the county of Elkhart shall be one and one-fourth cents per acre on all lands, and fifteen cents on each hundred dollars valuation of town, mill, and personal property.

SEC. 2. The supervisors of the several townships shall annually, on or before the first day of June, file with the auditor complete lists of all persons liable to perform road work, or who are resident owners of property in their respective districts; and thereupon the auditor shall make out and have ready for delivery by the first day of August, road warrants for the several districts, which shall be delivered to the sheriff, and by him forwarded to the several township clerks for distribution.

SEC. 3. All road work shall be performed before the first day of October annually, and within one month thereafter each supervisor shall make a detailed report to the county auditor, setting forth the amount of labor performed, and the amount still unpaid.

SEC. 4. No supervisor shall draw any money from the treasurer for road purposes until he shall file with the auditor a bond with security, payable to the State of Indiana, and for double the amount of money to be drawn, conditioned for the faithful expenditure of the same according to law; and shall also report the residue of said expenditure to the county auditor.

SEC. 5. In the expenditure of all sums of five dollars and upwards, except when the same shall be required for the purchase of tools, guide boards, or timber, the supervisor shall post three written

notices in his district for the time of one week, and proceed to sell the same to the highest bidder or bidders.

SEC. 6. All laws coming within the purview of this act are hereby repealed.

SEC. 7. This act shall be in force from and after its publication in the "Goshen Democrat."

CHAPTER LVIII.

An Act to provide for the survey and location of a State road in St. Joseph county.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That William Ingram, Henry Clark, and Archibald De-frees, of the county of St. Joseph, be and they are hereby appointed commissioners to survey, mark, and locate a State road as follows, to-wit: Beginning at the termination of the road already located, running eastwardly from the village of Independence, through the middle of sections twenty-six, in town thirty-seven north, of range one west, in St. Joseph county; thence pursuing the line running eastward through or near the centre of sections twenty-five, thirty, twenty-nine, and twenty-eight, until it shall intersect the county road running from South Bend south-westwardly, to the Kankakee river, at or near section twenty-seven, in township thirty-seven north, of range one east: *Provided*, That the aforesaid commissioners shall have power to vary from the above defined line whenever better ground can be found for a better and less expensive road.

SEC. 2. The said commissioners, or a majority of them, after being duly sworn to perform their duties faithfully, (which oath they are hereby required to take,) shall proceed, on or before the first day of June, 1847, to perform the duties required by the first section of this act.

SEC. 3. The said commissioners, after having completed said survey and location, shall return to the auditor of the county of St. Joseph a report of the survey made and marked by them, and it is hereby made the duty of the auditor of said county to have the same recorded immediately: And the said county board shall order to be paid to the said commissioners for their services such compensation as shall to them seem just and reasonable.

SEC. 4. The board doing county business shall lay off said road into road districts as they may think the public good to require; and

for each district, if not attached to districts already formed, there shall be elected or appointed a supervisor, according to the laws in force for electing or appointing supervisors.

SEC. 5. It shall be the duty of each supervisor in said districts to open said road as soon as practicable, by the labor of his district, according to the laws in force for working roads.

SEC. 6. This act to take effect and be in force from and after the filing of a certified manuscript copy thereof in the clerk's office of the said county of St. Joseph.

CHAPTER LIX.

An Act to incorporate the Greensburgh and Napoleon Turnpike Company.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Ezra Lathrop, John F. Stevens, Reuben R. Cobb, Elias Conwell, George Dart, Maurice D. Ross, Barton H. Harney, James B. Foley, John Glass, James Hamilton, and Preston E. Hopkins, and their successors in office duly elected as hereinafter directed are hereby constituted a body politic and corporate, and by the name and style of "The President and Directors of the Greensburgh and Napoleon Turnpike Company," shall be able and capable in law and equity to sue and be sued, plead and be impleaded, defend and be defended against, answer and be answered unto, in all and any courts of competent jurisdiction; to make and use a common seal, and the same to change at pleasure; and shall be able and capable in law to make contracts and enforce the same, and to make and enforce the necessary by-laws and regulations to enable them to carry into execution and effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the laws and constitution of the State.

SEC. 2. The capital stock of said company shall be fifty thousand dollars, divided into shares of fifty dollars each, and shall be applied to the making of a McAdamized road from the town of Greensburgh in Decatur county, to Napoleon, in Ripley county.

SEC. 3. The persons in the first section of this act named shall be the directors of said company until others are elected and qualified as is hereinafter directed, and said first named directors, or a majority of them, shall meet at the court house in Greensburgh, in the county of Decatur, on the first Monday of May next, or at any other time or place before or after the time above specified that a majority of them shall agree upon; and at such meeting shall organize said corporation by electing one of their body president, and another of their

body clerk and treasurer; and after such organization any five of said board shall be a quorum to transact business.

SEC. 4. The corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, artists, and all other officers and servants proper and necessary to carry into effect this act; they shall keep a journal of their proceedings, in which shall be entered all by-laws and regulations, and all orders for payment of such sums of money as may be allowed to their officers and all others in their employ: They shall keep a journal of their proceedings, which journal and proceedings shall from time to time be signed by the president: They may sit on their own adjournments, or on the call of the president; when the president is absent, they may appoint a president pro tempore; and they shall fill all vacancies happening in their body; and may require their officers to enter into bond and security for the faithful performance of their duties.

SEC. 5. The corporation may cause books to be opened for subscriptions to the stock of said company, at such times and places as they may choose, due notice thereof being given in some public newspaper in this State; and said company may receive subscriptions of stock in money, real estate, or labor, or in any other way, as to them may seem proper; but all subscriptions shall be paid as follows: ten per centum in hand, and ten per centum every three months until all is paid: Such books of subscription shall contain the following entry, to be signed by subscribers: "We, the undersigned, promise to pay fifty dollars for each share of stock set opposite to our names, in the way and manner as directed by the act entitled "An act to incorporate the Greensburgh and Napoleon Turnpike Company," and without relief from any appraisement laws: Witness our hands this — day of —, 184—."

SEC. 6. It shall be lawful for all persons of lawful age, or for the agent of any corporation to subscribe for any amount of stock in said company; and said corporation may, by an agent, offer for sale in any other State any amount of stock, upon such terms and conditions as may be thought advisable; and they shall have power upon their own credit to borrow money upon such terms as may be agreed upon by the parties.

SEC. 7. When any real estate is subscribed as stock in said company, a deed therefor may be made by the person subscribing to said company, and said company may dispose of such real estate for the purposes contemplated by this act, at a price not less than that at which the same was received by said company.

SEC. 8. As soon as one hundred shares are subscribed for and ten per centum thereon paid, it shall be the duty of the board of directors to give three weeks' notice thereof in some newspaper in this State, and in such notice appoint a time and place for the stockholders to meet and elect nine directors, who shall be stockholders, and citizens of this State, which election shall be by ballot, and conducted under the supervision of one inspector and two judges,

appointed by the stockholders present, and the persons having the highest number of votes shall be declared duly elected; and in all elections each share shall entitle the holder to one vote, such vote to be given by the person holding the same, or by the husband, father, mother, guardian, trustee, executor, administrator, proxy, or agent of any such share holders, or by the agent or proxy of any corporation.

SEC. 9. The directors elected as above, and those elected at all subsequent elections, shall elect one of their number president, and the president and directors thus elected shall continue in office until their successors are elected and qualified; and elections for directors shall be thereafter annually held on the first Monday of November, or in case of failure, then to elect at such subsequent time as the board of directors shall appoint.

SEC. 10. Certificates of stock shall be given to stockholders, which shall be evidence of stock held; they shall be signed by the president and countersigned by the clerk: The stock shall be transferable on the books of the corporation personally or by agent, attorney in fact, executor, administrator, trustee, or guardian; but such stock shall at all times be held by the company for any dues from the holders thereof to said company, or for sums that may thereafter become due said company on contracts made prior to such transfer.

SEC. 11. The three months within which the second instalment of stock shall be paid on said stock, shall commence to run from the time of the first election of directors for said company, and if any stockholder shall neglect or refuse to pay any such instalment within ten days after the time when the same was due, the corporation may bring suit therefor in any court of competent jurisdiction, and recover the amount due, with ten per centum damages thereon; and if the same cannot be made on execution, or the delinquent is without the State, then said corporation may, by an order entered on their books, declare the stock for which such instalment was due to be forfeited, with whatsoever amount shall have been paid thereon, and no person while delinquent shall have any right to vote at any election for directors or to receive any dividend on his stock.

SEC. 12. Said company shall have power to survey and locate a turnpike road from the town of Greensburgh aforesaid to Napoleon aforesaid, and if thought proper said company may locate the same on the ground on which the Michigan road now runs, or they may diverge from said Michigan road wherever it may be deemed proper and for the interest of said company, and whenever they shall so diverge, the road shall not exceed one hundred feet in width.

SEC. 13. For the purpose of making such location and for the construction of said road, it shall be lawful for said company by their agents or persons in their employ to enter upon any lands to make surveys and estimates, and to take from the lands occupied by said road, any stone, gravel, timber or other materials necessary to construct said road and the bridges connected therewith, and should sufficient materials be not so obtained, then it shall be lawful for said

company to obtain the same by gift from or contract with the persons having the same to sell or bestow.

SEC. 14. If any person or persons owning the land upon which said road is located, where the same shall diverge from the Michigan road, shall refuse to relinquish the same for the use of said road, and no satisfactory contract can be made by said company with such owner therefor, it shall be lawful for said company to give notice to some justice of the peace of the county wherein such land shall be situate, and such justice shall thereupon summon the owner of said land, if a resident of the county, to appear before him on a day to be named therein, and within ten days thereafter, and if the parties cannot then agree, said justice shall issue a venire for summoning before him a jury of twelve disinterested men of the neighborhood, to be selected by the justice, or such less number as the parties may agree upon, and such jury, after having taken an oath faithfully and impartially to assess the damages, if any, shall view the lands upon which such damages are claimed, and shall determine the same, duly considering the advantages and disadvantages of said road to said owner, and shall make report thereof to said justice, whereupon said justice shall enter judgment thereon, unless an appeal shall be taken, or for good cause shown a new assessment shall be granted, unless the damages assessed shall exceed one hundred dollars; and in case the damages shall exceed one hundred dollars, the justice shall file a transcript of his proceedings in the clerk's office of the circuit court of the proper county within ten days after such report made to him, and judgment shall be had thereon in the same manner as on appeals; and in case either party can show good cause, a review and re-assessment may be ordered by the justice or the circuit court, as the case may require.

SEC. 15. If the owner is a minor, insane person, or shall reside out of the county where such land may be, such justice shall cause three notices to be put up in three public places within the township where such lands are situate, of the time and place of appointing appraisers, and if no person appears, he may adjourn the trial for two weeks, at the end of which time he shall appoint a guardian *ad litem*, to act for such minor or insane person as the case may require, unless some regular guardian shall appear to defend, and he shall then proceed as in other cases; and in all cases cost shall be awarded for or against either party, at the discretion of the jury.

SEC. 16. In case said company shall require for the use of said road any stone, gravel, timber, or other material from the land of any person adjoining said road or near thereto, and said company cannot contract with the owner for the same, said company may proceed in like manner to have the value of such materials assessed as is above prescribed for assessing the value of land; and in every such case of land or materials, said company may take possession of and use the same immediately on tendering the sum assessed therefor, notwithstanding any appeal that may be pending.

SEC. 17. Said company shall commence their said road within two years, and complete the same within five years from the date of the approval of this act.

SEC. 18. The company shall cause said road to be opened not exceeding one hundred feet wide, at least twenty feet of which shall be thrown up in a curve, with proper side ditches and drains, in such manner as shall secure a firm, substantial, and even road, with no ascent greater than five degrees, with sufficient coating of broken stone or other durable material, after the McAdam plan.

SEC. 19. When said road shall have been located, said company shall cause a copy of the survey and plat thereof to be filed in the office of the clerk of the board doing county business of the proper county, and thereafter said company shall not alter or change said road unless by consent of the owner of the land over which such change shall be made.

SEC. 20. If said road, after its completion, or any part thereof, shall be suffered to be out of repair so as to be impassable for the space of one year, unless when the same is repairing, this charter shall be considered as forfeited; and if said company shall suffer said road to be out of repair to the hindrance and delay of travellers for an unreasonable length of time, they shall have no right to collect tolls thereon until the same is repaired.

SEC. 21. Whenever five miles of said road shall be completed, a gate may be erected thereon, but no gate shall be within five miles of any other on the same road belonging to this company, and tolls may be charged at such gates for every ten miles of travel thereon, and in proportion for any greater or less distance, as follows, viz: For every four wheel carriage, wagon, or other vehicle, drawn by one horse or other animal, not exceeding eighteen and three-fourths cents; for every horse or other animal in addition, six and one-fourth cents; for every cart, chaise, or other two wheel carriage, drawn by one horse, twelve and one-half cents; for every horse or other animal in addition, six and one-fourth cents; for every sled or sleigh, drawn by one horse or other animal, six and one-quarter cents; for every horse or other animal in addition, six and one-quarter cents; for every coach, chariot, or other four wheeled pleasure carriage, drawn by one horse or other animal, not exceeding eighteen and three-quarters cents; for every horse or other animal in addition, six and one-quarter cents; for every horse and rider, six and one-fourth cents; for every horse, mule, or ass, six months old and upwards, led or driven, not exceeding three cents; for every head of neat cattle, six months old and upwards, not exceeding two cents; and for each hog or sheep, one cent: *Provided*, That all persons going to or returning from public worship, and all funeral processions shall pass free of toll.

SEC. 22. If any person or persons using any part of said road shall, with intent or view to defraud said company, pass through any private gate or bars, or along any other ground near said road, to avoid any toll gate, or shall practice any fraudulent means to lessen

or avoid the payment of any such toll, each and every person concerned in such fraudulent practice shall for every such offence forfeit and pay to said company the sum of five dollars, which shall be recovered without any stay of execution, in an action of debt, in the name of said corporation, before any justice of the peace: *Provided*, That nothing herein contained shall prevent persons residing on said road from passing thereon between gates about their premises, for common and ordinary business.

SEC. 23. If said company shall fail, for thirty days in succession, to keep said road in repair, on complaint thereof, made to any justice of the peace of the proper county, it shall be his duty to summon three disinterested freeholders to examine the same, and shall give notice to the nearest toll gatherer of the time when said freeholders will meet for said purpose; and said freeholders, after having taken an oath or affirmation to act impartially, shall proceed in the examination, and if they find the same out of repair to the hindrance, delay, or danger of travellers, they shall certify the same to said justice, whose duty it shall be to transmit a copy of such certificate to the nearest toll gatherer on said road, and from the time of receiving the same, it shall not be lawful for said company to receive any toll on said road until the same shall have been put into complete repair; and any toll gatherer offending in this particular may be sued, or said company may be sued, in an action of debt, before any justice of the proper county, and the sum of five dollars recovered by any person aggrieved.

SEC. 24. Said company shall put up a post or stone at the end of every mile, with the number of miles fairly cut or painted thereon; and also in a conspicuous place near each gate shall be placed a board, with the rates of toll fairly painted thereon.

SEC. 25. If any toll gatherer shall unnecessarily detain any traveller after the toll has been paid or tendered, or shall demand or receive greater toll than is allowed by this act, he shall for every such offence be fined in any sum not exceeding one hundred dollars, on indictment before any court of competent jurisdiction.

SEC. 26. For the purpose of making said road free, the State or the county or counties through which the same shall pass, shall have the right to purchase said road, by paying said corporation a sum of money which, together with the tolls received, shall equal the cost and expense of said road, with an interest of fifteen per centum per annum.

SEC. 27. The books of said company shall always be open for the inspection of any agent appointed by the State or by any county interested in said road.

SEC. 28. It shall be lawful for the boards doing county business in any county through which any part of said road shall pass, to subscribe for stock in said company, and to pay for the same out of any county funds provided for that purpose.

SEC. 29. This act shall be taken and deemed to be a public act, and shall be favorably construed for the purposes intended; and if

said company shall organize and commence their said road before the company incorporated by virtue of an act entitled "An act to incorporate the Michigan Road Company South of Indianapolis," approved January 13, 1845, shall organize and commence, then so much of said act as covers that part of said Michigan road lying between Greensburgh and Napoleon, and authorizes said company to construct the same, shall be considered as repealed or excepted out of said act.

SEC. 30. If the said company shall at any time contract debts to an amount greater than the amount of stock subscribed for said road, the directors making such contracts shall be liable in their individual capacity for such excess.

SEC. 31. This act shall be in force from and after its passage; but the legislature reserves the right to alter or amend this act at pleasure.

CHAPTER LX.

An Act forming separate corporations for school purposes of township number one north, of range ten west, in Gibson and Knox counties.

[APPROVED JANUARY 18, 1847.]

WHEREAS, It is represented to this General Assembly that White river runs through the centre of said township, leaving a part of the same in the county of Knox and a part in the county of Gibson: AND WHEREAS, It is further represented that the inhabitants of all of that portion of said township which lies south of White river in said county of Gibson are desirous of having the same formed into a separate township for school purposes: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all of that portion of the said township one north, of range ten west, which lies south of White river, in the said county of Gibson, be and the same is hereby set apart and established as a township for school purposes, and the white inhabitants thereof be and they are hereby constituted a body politic and corporate, by the name and style of "The Inhabitants" of Congressional township number one north, of range number ten west, in the said county of Gibson.

SEC. 2. The business of said township shall be transacted by three trustees, who shall be elected as hereinafter provided; and that in the conduct of its affairs, in the election of its officers, and in fact in the entire management of the duties and rights which appertain to all Congressional townships established for school purposes; the

same shall be governed by the laws that are now or hereafter may be in force relative to common schools.

SEC. 3. It is hereby made the duty of the board doing county business for the county of Gibson at their next term after the passage of this act, or at any other term when six freeholders of said township shall demand it, to appoint an election to be held as near the centre of said township as possible for three trustees, of which election the auditor of said county shall give the legal notice as required by the seventh section of article first, chapter fifteen of the common school law.

SEC. 4. That the rights, privileges, and immunities hereby granted and extended to the white inhabitants of said township residing in Gibson county, be and they are hereby granted and extended to the white inhabitants of said township residing in Knox county, and they are hereby constituted a body politic and corporate, by the name and style of "The Inhabitants of Congressional Township number one north, of range number ten west, in said county of Knox."

SEC. 5. This act to take effect and be in force from and after the filing certified copies of this act in the offices of the auditors of said counties of Gibson and Knox; and it is hereby made the duty of the Secretary of State to forward a certified copy of this act to the said auditors as soon after the passage as practicable.

CHAPTER LXI.

An Act to repeal the act entitled "An act to amend the fourth article of the sixteenth chapter of the Revised Statutes of 1843, so far as the same relates to the counties of Washington and Jackson," approved January 5, 1844, so far as the same relates to the county of Washington.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all taxable property, both real and personal, in the county of Washington, shall be assessed with and pay as a highway tax a sum not exceeding ten cents on each one hundred dollars of the valuation thereof, at the discretion of the board of county commissioners.

SEC. 2. The amount of highway tax shall be carried out in a separate column on the duplicate of State and county taxes by the clerk of the circuit court of said county.

SEC. 3. The said clerk shall prepare and have ready for delivery to the several supervisors of roads in said county by the first day of June, annually, a list of the names of all persons residing or owning

lands within the respective road districts in said county, to whom any highway tax is charged on such duplicate, with the amount of the same.

SEC. 4. The persons so charged shall be permitted to work out such tax at the rate of seventy-five cents per day; and whenever any person shall so work out his tax, the supervisor of the proper road district shall give him a receipt therefor.

SEC. 5. It shall be the duty of each supervisor of roads in said county on or before the fifteenth day of November in each year, to file before some justice of the peace of the township in which his road district may be situate, or where his district may be in two townships, then before a justice of the peace of either of such townships, a correct list of the names of those persons who have up to that time failed to work out or neglected to pay to him the amount of their said tax, except where the said tax is assessed and due upon unoccupied land, the owners of which, or the person to whom said tax may be charged, does not reside in his said district, with the exact amount due from each, and which may be assessed on account of real and personal property, which list shall be verified by the oath or affirmation of said supervisor thereunto annexed; and thereupon it shall be the duty of such justice of the peace to make a copy of such list, and attach thereto his warrant to any constable of his township, commanding such constable to collect the moneys on said list specified by distress and sale of the respective goods and chattels of such person as ought to pay the same, with five per centum damages, together with his costs and charges for such collection, for which service such justice shall retain out of said five per centum damages when collected the sum of fifty cents if so much there may be.

SEC. 6. Such warrant shall be made returnable within twenty days from the issuing thereof, and said constable shall proceed to collect the same in the same manner as is now provided by law for the collection of State and county revenue, by the county treasurers, and he shall be entitled to the same fees as the said treasurers are entitled to for like services; and he shall return said warrant on the return day thereof, or within three days thereafter, to said justice of the peace, and pay over to him the moneys by him collected thereon, except what he may be entitled to retain for his fees: *Provided however,* That where said tax is assessed and due upon lands, he shall only levy by virtue of said warrant upon property found in the township or townships in which the road district in which said lands lie may be situate.

SEC. 7. Such moneys so collected shall be paid over by such justice of the peace to the proper supervisor of roads on demand, and shall be by him applied to the repairs of roads and bridges in his road district.

SEC. 8. Each supervisor of roads shall, on or before the twentieth day of January in each year, return to the clerk of the circuit court of said county a list of the names of those persons whose road tax on account of real or personal property up to that time remain uncol-

lected, with the amount of such tax, damages, and costs due from each, and said clerk shall charge the same on his general delinquent list; and thereafter such delinquencies shall be collected in the same manner as other delinquencies for the non-payment of State and county taxes are collected: *Provided, however,* That such delinquency shall not be cancelled until the receipt of the proper supervisor of roads for said tax, damages, and costs, together with the interest thereon, is filed in the clerk's office in said county.

SEC. 9. Any owner of unoccupied lands may work out the said tax thereon, either in the road district in which he may reside, or in the district where said lands lie, and where he may work out the same in the district in which he resides, the supervisor thereof shall give him a receipt therefor, which he may either file in the clerk's office to be credited on the list to be returned by the supervisor of the district in which said lands lie, or he may file the same with the last mentioned supervisor before he shall return said list, and take his receipt in full of said tax; but all tax assessed upon occupied lands shall be worked out in or paid to the supervisor of the district in which they are situate.

SEC. 10. The act entitled "An act to amend the fourth article of the sixteenth chapter of the Revised Statutes of 1843, so far as the same relates to the counties of Washington and Jackson," approved January 5, 1844, be and the same is hereby repealed so far as it relates to the said county of Washington; and in all things not herein otherwise particularly provided, the enactments contained in the said Revised Statutes relative to roads and highways are revived and declared to be in force in the said county of Washington.

SEC. 11. This act shall take effect immediately; and it is hereby made the duty of the Secretary of State to forward a copy of this act to the clerk of said county, to be by said clerk filed in his office.

CHAPTER LXII.

An Act to incorporate the Logansport and Wabash Free Bridge Company.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all persons who may become subscribers pursuant to this act shall be and they are hereby constituted a body corporate and politic, by the name and style of "The Logansport and Wabash Free Bridge Company," with perpetual succession, and with full powers to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered unto in law and equity,

in any of the courts of this State; to make, use, and have a common seal, and the same to alter or renew at pleasure.

SEC. 2. Philip Pollard, Daniel Neff, Charles Lyons, John Green, Moses Barnett, and Israel Johnson are hereby appointed commissioners to open books for subscriptions to said bridge company, and to receive donations of money, real estate, or other property, or choses in action, to aid in the construction of said bridge.

SEC. 3. So soon as the sum of three thousand dollars is subscribed in money, or the value thereof in property of any kind, choses in action, labor, or materials, the said commissioners shall give ten days' notice by publication in some newspaper printed in Logansport, Cass county, Indiana, of the time and place of the meeting of the subscribers to said bridge, who shall from among such subscribers choose seven directors of said corporation, who shall hold their offices for one year, and until their successors are elected and qualified: The said treasurer shall give bond to the said corporation in such sum and with such security as the board of directors may require, conditioned for the faithful and honest discharge of his duties as such officer, and the faithfully paying over and accounting for all moneys or other property, or choses in action that may come into his hands by virtue of his office.

SEC. 4. Said directors shall choose from their own number a president, and from among the subscribers to said bridge a secretary and treasurer, who shall respectively hold their offices for one year, and until their successors are elected and qualified.

SEC. 5. Any number not less than fifteen of such subscribers, who shall represent one-half of the amount subscribed to said bridge, shall form a quorum for the election of directors, and a majority of the directors shall form a quorum for the transaction of business, and the adoption of by-laws, rules, and regulations: All elections to be by ballot, and a majority of all those voting necessary to a choice.

SEC. 6. Said commissioners, and the said directors after their election, shall at any time have power to receive subscriptions and donations in money, property, real or personal, choses in action, materials, or labor, which shall be applied to the construction or repair of said bridge.

SEC. 7. Said corporation may erect a free bridge across and over the Wabash river, at such point within one mile above the mouth of Eel river, as the said directors or a majority of them may think proper; and said corporation shall, on application to the Cass circuit court of this State, be entitled to the writ of *ad quod damnum*, to obtain the requisite quantity of ground for the erection of said bridge, embankments, abutments, and causeways.

SEC. 8. Said directors may demand from the subscribers to said bridge all sums of money, property, real or personal, choses in action, labor, or materials, by them respectively subscribed, at such time and in such proportions as they may think proper; and in case of failure, refusal, or neglect to comply with such demand within sixty days,

the said directors shall be authorized to enforce the same by legal proceedings.

SEC. 9. The said corporation shall have power to hold real estate for the purposes aforesaid, and to sell and convey the same.

SEC. 10. Whenever said bridge shall be completed, the same shall be free and open for passage to all persons whomsoever, with their horses, teams, and cattle, and for all other purposes.

SEC. 11. Whoever shall wilfully injure said bridge, shall be liable to suit by said corporation, before a justice of the peace or other court having competent jurisdiction in this State, and the measure of damages in such suit shall be three times the costs of the repair of such damage, and the costs of suit.

SEC. 12. The said corporation may commence the construction of said bridge at any time within five years from and after the passage of this act, and shall complete the same within ten years.

SEC. 13. The county of Cass, or any other county in this State, may, by their board of commissioners, become subscribers to said bridge for such sum as the said board of commissioners may think proper.

SEC. 14. This act to take effect and be in force from and after its passage.

CHAPTER LXIII.

An Act to provide for the election of township assessors in the counties therein named, and defining their duties.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That in the counties of Morgan, Monroe, Jackson, Madison, and Washington, there shall be elected on the first Monday of April next, and annually thereafter, one assessor in and for each township, by the qualified voters thereof respectively: Such assessors shall hold their offices until their successors shall be elected and qualified, and shall do and perform all such duties as now are or may hereafter be required by law to be performed by assessors.

SEC. 2. It is hereby made the duty of the sheriffs of said counties to put up three written notices in the most public places in the several townships, at least twenty days previous to the time of said elections, of the time and place of holding the same: Said elections shall be conducted in all respects as other township elections: It is made the duty of the judges of the elections to certify to the county auditor the person receiving the highest number of votes given, who shall

give to the person so elected a certificate of his election; and it is made the duty of the county auditor to furnish the several township assessors with stationery sufficient to take down the taxable property of their townships.

SEC. 3. And the township assessor, previous to entering on the duties of his office, shall give bond with good and sufficient security to the acceptance of the board doing county business, or in vacation to the county auditor, in the penal sum of two hundred and fifty dollars, payable to the State of Indiana, and conditioned for the faithful and impartial discharge of the duties of his office according to law, and shall take and subscribe an oath or affirmation, to be endorsed on his bond, that he will faithfully and impartially discharge the duties of his office to the best of his skill and ability; and the bond so endorsed shall be deposited with the county auditor, and by him carefully preserved; and said auditor is hereby authorized to administer the oath of office aforesaid.

SEC. 4. That if any township assessor shall not give bond and security, or shall not take the oath or affirmation as required in the preceding section on or before the second Monday in September next after his election, his office shall be considered vacant, and the county auditor shall then fill such vacancy by appointment, which appointment, and the proceedings thereon, he shall lay before the board at their next meeting thereafter; and should any vacancy or vacancies occur by death, resignation, or otherwise the same shall be filled as is heretofore provided in this section.

SEC. 5. Whenever such vacancies occur, and are filled as hereinbefore provided, the person so appointed to fill such vacancy shall give bond and take the oath or affirmation as is provided in the fourth section of this act.

SEC. 6. That if any assessor shall be guilty of neglect of any duties now prescribed by law, or may hereafter be prescribed, such assessor shall, upon presentment or indictment, be fined in any sum not exceeding fifty dollars, at the discretion of the jury or court trying the same, for the use of the proper county seminary.

SEC. 7. The assessors elected or appointed as provided in this act shall, on the first Monday and Tuesday in April in each year, meet the tax payers of their townships at the usual place of holding elections in such townships, and the assessor shall there receive a list of the assessable property of each person liable to pay taxes in said township: *Provided, however*, That any tax payer may at any time between the aforesaid second Monday in March and the fourth Monday in April, hand in to the assessor a list of his taxable property.

SEC. 8. Should any tax payer neglect or refuse to hand in a list of his taxable property as is provided in the seventh section of this act, before the said fourth Monday in April, then the assessor shall visit the house or houses of such tax payer or tax payers, and there take a list of his, her, or their taxable property, charging each one so having neglected twenty-five cents, which shall be collected by the

county treasurer for the use of said assessor, in the mode prescribed by law for the collection of taxes.

SEC. 9. Each township assessor shall receive for each day's service, as is provided in the seventh section of this act, one dollar per day, and shall be exempt during the year from working on roads: *Provided, however,* Should any county board, in their discretion, deem two days less than sufficient, they are hereby authorized to prescribe the number, and allow the assessor accordingly.

SEC. 10. All acts and parts of acts coming within the purview of this act are hereby repealed; and it is hereby made the duty of the Secretary of State to forward a copy of this act to each of the auditors named in the first section of this act on or before the first of February.

SEC. 11. This act to take effect and be in force from and after its passage.

CHAPTER LXIV.

An Act to amend an act entitled "An act relative to leveeing the Wabash river on Shaker prairie," approved January 14, A. D. 1846.

[APPROVED JANUARY 21, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all owners of real estate in the territory embraced in the following boundaries, to-wit: commencing at the east end of section number one (1) of said levee as now constructed, and running thence eastwardly along the north end of said Shaker prairie to the east side thereof; thence southwardly along the eastern margin of said prairie to the junction of the Shaker Town road with the Vincennes and Terre Haute State road, at a point nearly east of the present residence of Samuel McClure; thence westwardly so as to embrace the two southernmost sections of said work as now located, continuing westwardly to the division between the high and low lands near the west side of said prairie; and thence northwardly along the line of said work as now located, to the western extremity of Robert Salshaw's levee; and thence east along the line of said work as now located, to the place of beginning, shall on the second Monday of April, A. D. 1848, and every two years thereafter, elect three freeholders, to succeed the board appointed by the act to which this is an amendment, who shall hold their office for two years, and until their successors are duly elected and qualified.

SEC. 2. Any freeholder having the legal qualifications of a voter of this State, residing in either of the counties of Knox or Sullivan,

and whose land shall be taxed for the construction or repairs of said work, shall be entitled to vote and eligible to the office of superintendent at such election, and not otherwise.

SEC. 3. The assessors who have been or who may hereafter be appointed pursuant to the sixth section of the act to which this is an amendment, shall make and return an assessment as required by said sixth section of said act, but shall confine the same to the limits prescribed by the first section of this act, and said board of directors shall have power to fill any vacancy which may occur by the death, resignation, or removal of any assessor.

SEC. 4. In making out a duplicate of the said assessments as provided by the eighth section of the act to which this is an amendment, said board of directors shall deduct from any assessment the amount that any person may have subscribed for the construction of said embankment, but the amount of any such subscription shall not operate as a credit until the same is actually paid.

SEC. 5. Any summons issued against any owner of land within the boundaries aforesaid, as provided by the ninth section of the act to which this is an amendment, may be directed to and shall be served and returned by the sheriff or other proper officer of any of the courts in this State, in the same manner as other original process is issued from the circuit courts, and upon the trial of such cause in the proper circuit court, the same shall be tried as other actions at law, and judgments shall be rendered and executions awarded accordingly.

SEC. 6. The second section of the act to which this is an amendment, and all parts of said act coming within the purview of this act, be and the same is hereby repealed; but such repeal shall not impair any act legally done, nor take away any right lawfully acquired by virtue of said act: This act to take effect and be in force from and after its passage; and shall be construed a public act, and shall be liberally construed for the purposes therein mentioned.

CHAPTER LXV.

An Act to locate a State road in the counties of Wells, Blackford, and Jay, in the State of Indiana.

[APPROVED JANUARY 18, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That Reason Tippe, of Wells county, Lyman Simpson, of Blackford county, and William H. Cash, of Jay county aforesaid, be and they are hereby appointed commissioners to view, mark, and

locate a State road, commencing at a State road, which runs from Huntington, in Huntington county, and State aforesaid, to the ninety mile stake, at or near the farm of Samuel Rice, in Wells county aforesaid; thence up the Salamanca river, on the best and most eligible ground, until it arrives at the junction of said river, with the county line dividing the counties of Wells and Blackford aforesaid; from thence, crossing said river, on the nearest and best ground to the crossing of Main and High streets, in Montpelier, in the last mentioned county; thence running eastwardly on the county road leading from Montpelier to Camden, in Jay county, crossing the river aforesaid at the Montpelier mills, until it strikes Thomas Edson's farm, in Blackford county; and from thence on the section line one mile south of the line dividing Wells from Blackford aforesaid, through the last mentioned county and Jay county aforesaid, until it strikes the Loblolly; thence varying round said Loblolly, on the most favorable ground (on either side) until it strikes the section line before mentioned; thence on said line until it intersects the State road running from Muncietown, Delaware county, Indiana, to New Corydon, Jay county; thence on said road to New Corydon; thence eastwardly until it intersects the State line dividing Ohio from Indiana, at the place where the State road leading from Celina, Mercer county, Ohio, westwardly intersects the State line aforesaid.

SEC. 2. Said commissioners shall meet at Montpelier aforesaid, on or before the first Monday of July, 1847, and after having taken an oath faithfully and impartially to discharge the duties assigned them, shall proceed to view, mark, and locate said road agreeably to the points and courses designated in the first section of this act.

SEC. 3. Said commissioners shall within thirty days after they shall have located said road as aforesaid, report to the county auditor of the counties of Jay, Blackford, and Wells aforesaid, so much of said road as may be located in the respective counties aforesaid, and to the county auditor of any county through which said road may pass, which report the said county auditors shall lay before their respective county boards at their next session thereafter, and said boards aforesaid shall severally cause the said report when so made to be recorded, and order said road to be opened; and said board of county commissioners in the counties aforesaid shall make said road commissioners such compensation as shall be reasonable, each county paying its proportion according to the distance therein.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER LXVI.

An Act to legalize the proceedings of the board of commissioners of Adams county, and for other purposes.

[APPROVED JANUARY 18, 1847.]

WHEREAS, It is represented to this General Assembly that the board of county commissioners of the county of Adams have from time to time, in accordance with the prayers of the citizens of said county, granted views, reviews, locations, &c. &c. of county roads: AND WHEREAS, By a strict construction of the act entitled "An act to provide for a more uniform mode of doing township business in the several counties therein named," approved February 17, 1838, and by the one hundred and twenty-eighth section of chapter sixteen of the Revised Statutes of 1843 it is doubtful whether the said board was authorized to establish or in any way interfere with county roads: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the acts, orders, &c. of the board of county commissioners of Adams county in reference to roads and highways are hereby legalized and rendered as valid as if the act entitled "An act to provide for a more uniform mode of doing township business in the several counties therein named" had never been enacted, and as if the said sixteenth chapter of the Revised Statutes of 1843 had extended to the said county of Adams.

SEC. 2. The provisions of the sixteenth chapter of the Revised Statutes of 1843 are hereby extended to the county of Adams.

SEC. 3. The act entitled "An act to provide for a more uniform mode of doing township business," approved February 17, 1838, and the act entitled "An act to amend an act entitled an act providing for a more uniform mode of doing township business in the several counties therein named, approved December 30, 1840," approved February 13, 1843, be and they are so amended that the township trustees in said county of Adams shall only have power to view, mark, locate, and change the location of township roads in the township for which they have been elected.

SEC. 4. All laws or parts of laws coming within the purview of this act are hereby repealed.

SEC. 5. This act to be in force from and after its passage, and a copy filed in the auditor's office in the said county of Adams.

SEC. 6. And it is made the duty of the Secretary of State to forward a copy of this act to the auditor of Adams county as soon as practicable.

CHAPTER LXVII.

An Act to incorporate the Institute of Fine Arts, at Bowling Green, Clay county, Indiana.

[APPROVED JANUARY 22, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the president, secretary, and treasurer of "The Institute of Fine Arts," at Bowling Green, Clay county, Indiana, their associates, and successors, be and they are hereby constituted a body corporate and politic, and shall be known by the name and style of "The Institute of Fine Arts," and under that name shall have power to contract and be contracted with, sue and be sued, plead and be impleaded in any court of justice in the United States, and may ordain and establish a constitution and by-laws, not inconsistent with the constitution and laws of the United States and of this State, which shall be evidence and heard as such in courts of justice, and may use all the privileges usually granted to associations for the promotion of education generally; and may adopt and use a common seal, with power to alter and renew the same at pleasure.

SEC. 2. The said institute may, in its corporate capacity, purchase or receive by gift, grant, or donation, such books, maps, charts, pictures, philosophical and other scientific apparatus, or other personal property, as may be necessary or proper, and hold, use, and dispose of the same for the benefit of said institute at pleasure; and may also receive by gift, grant, donation, or purchase, any real estate, and hold, enjoy, sell, rent, hire, or convey the same at pleasure, for the benefit of the said institute.

SEC. 3. When a majority of the members of said institute think it expedient, they may establish classes for scientific purposes and the advancement of education generally, and employ teachers or professors to hear, instruct, and lecture to the same, who shall have power of granting or conferring degrees of honor and advancement.

SEC. 4. All property owned by said institute shall, should it dissolve, be put in the hands of proper commissioners, and sold at private or public sale, as thought best, and the moneys collected for the same be turned over to the common school fund, and used as the law directs said fund to be used for the benefit of the school district or districts, as the case may be, composed of the town of Bowling Green and immediate vicinity.

SEC. 5. This act to be in force from and after its passage, and until the legislature may repeal the same: *Provided, however,* No repeal shall in the least affect any act of said institute done in compliance with this act.

CHAPTER LXVIII.

An Act for the relief of Wiley M. Edmonson and Sarah Ann Edmonson, his wife, late Sarah Ann Parrott.

[APPROVED DECEMBER 24, 1846.]

WHEREAS, Francis Wood, an alien, late a resident of the county of Orange, did, on the eleventh day of September, A. D. one thousand eight hundred and twenty-seven, make his last will and testament, whereby he bequeathed to Sarah Ann Parrott, daughter of Susannah Parrott, the north-east quarter of section thirty, in township three north, in range one east, in said county of Orange, which, in the event of the death of said Sarah Ann without issue, was to be sold, and the proceeds thereof equally divided amongst Peter Ragle, John Ragle, Margaret Ragle, Susannah Parrott, and Catharine, Mary and Barbara Ann Parrott, and did by said will also bequeath to said Sarah Ann Parrott all the lots which he held by deed in the town of Orleans, in said county of Orange, which, in the event of her death without issue, were to be sold and distributed as aforesaid: AND WHEREAS, The aforesaid Margaret Ragle has departed this life without issue, leaving the aforesaid Peter Ragle, John Ragle, and Susannah, Catharine, Mary, and Barbara Ann Parrott as her heirs at law: AND WHEREAS, By deed dated the sixth day of October, one thousand eight hundred and forty-six, the aforesaid Peter Ragle, John Ragle, Hiram A. Sheppard and Susannah Sheppard, his wife, late Susannah Parrott, Jacob Sovereigns and Catharine Sovereigns, his wife, late Catharine Parrott, Isaac T. Dougherty and Mary Dougherty, his wife, late Mary Parrott, William McBride and Barbara Ann McBride, his wife, late Barbara Ann Parrott, did release and quit claim to all their right and title in and to said land and lots, whether contingent or otherwise, to Wiley M. Edmonson and Sarah Ann Edmonson, his wife, late the aforesaid Sarah Ann Parrott, and the survivor of them, and to their heirs or the heirs of said survivor, as joint tenants at common law: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all the right and title which Francis Wood, an alien, late of Orange county, deceased, had and held in and to the north-east quarter of section thirty, in township three north, of range one east, in the said county of Orange, and all the right and title of said Wood in and to sundry lots which he held by deed in the town of Orleans, in said county of Orange, be and the same is hereby vested in Wiley M. Edmonson and Sarah Ann Edmonson, his wife, late Sarah Ann Parrott, and the survivor of them, and to their heirs, or the heirs of said survivor, as joint tenants at common law, as fully

and effectually as if the said Francis Wood had been fully capable to convey or devise the same, and had conveyed and devised the same in the manner aforesaid.

SEC. 4. This act to take effect and be in force from and after the recording thereof in the office of the recorder of the county of Orange aforesaid, and from its passage.

CHAPTER LXIX.

An Act to authorize the board doing county business in the county of Orange to appoint an appraiser of real estate subject to taxation, at their March term, in 1847.

[APPROVED JANUARY 6, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the board doing county business in the county of Orange are hereby authorized and required, at their March term, in the year 1847, to appoint an appraiser or appraisers to re-appraise all the real estate subject to taxation in said county.

SEC. 2. That the county board and the appraiser or appraisers shall be governed in all things pertaining thereto by the provisions of an act entitled "An act to provide for the re-appraisement of real estate heretofore appraised, and subject to taxation," approved January 19, 1846.

SEC. 3. This act to take effect and be in force from and after its passage.

SEC. 4. It shall be the duty of the Secretary of State to forward a copy of this act immediately to the auditor of Orange county.

CHAPTER LXX.

An Act to establish a free turnpike road in the counties of Allen, Whitley, Kosciusko, and Marshall.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That Samuel Edsall, of Allen county, Nathan B. Chapman, of Whitley county, John D. Standford, of Kosciusko county, and Robert Johnson, of the county of Marshall, are hereby appointed locating commissioners: All or a majority of said commissioners shall meet at Fort Wayne, in Allen county, on the first Monday of June next, or any time thereafter, and shall proceed from thence to view, mark, and locate a turnpike road to Columbia, in Whitley county; thence to Warsaw, in Kosciusko county; thence to Plymouth, in Marshall county: Said commissioners shall employ a surveyor, chain carriers, or so much assistance as they think proper, and shall survey and locate said road sixty feet wide, unless a different width be thought best, and reported by said commissioners.

SEC. 2. Said commissioners shall in all respects be governed by the laws now in force in this State in relation to locating State roads and reporting to the several county boards, and shall receive compensation for said services in the same way that locating commissioners of State roads do.

SEC. 3. When said road has been located and reported to the county boards of the above named counties, it shall be the duty of the said county boards to order supervisors whose districts said road may run through the same to be opened and kept in repair as other roads are in their respective districts.

SEC. 4. It shall be the duty of inspectors and judges of elections in the several townships in said county through which said road does run, at the annual election in August next to open a poll in which shall be entered all the votes given for or against a tax on real estate for the improvement of said road.

SEC. 5. Every qualified voter in the townships through which said road may be located may, if he chooses, at the annual election in August next, vote for or against a tax as contemplated in the fourth section of this act: If such voter shall be in favor of a tax, he shall write on the same ballot with which he votes for State and county officers, the words "For a tax;" if against a tax, he shall in like manner have the words "Against a tax" on his said ballot.

SEC. 6. It is hereby made the duty of the inspectors and judges of elections in the above named townships to certify the votes given for and against such tax to the clerks of the circuit courts respectively, in the same way and manner [and under] the same restrictions and penalties that votes for State and county officers are certified.

SEC. 7. It shall be the duty of the sheriffs of said counties to give four weeks' notice, by three written notices in each township through which said road may run, that there will be a poll opened for the purposes contemplated in this act.

SEC. 8. It shall be the duty of the clerks of the circuit courts of said counties to certify to the county board at their next regular session after such vote having been taken, the number of votes given by each township for and against a tax; and if a majority of the votes which may be given on that subject in any county is in favor of a tax, it shall be the duty of the county board to assess a tax of one cent on every acre of taxable land, and twenty cents on every one hundred dollars valuation of town property of the townships through which said road runs: Said tax shall be assessed and collected in the same manner and under the same penalties and restrictions that other taxes are.

SEC. 9. At any time subsequent to the election as provided for by this act, on the petition of twenty-five freeholders of said township, the county board shall order an election to be advertised, and all other things relating thereto, in the same manner as provided for in the first section in this act.

SEC. 10. The turnpike tax contemplated by this act shall be assessed and collected in the same manner and under the same restrictions as penalties as other road taxes are: *Provided*, That the same may be worked out on said turnpike road under the direction of a turnpike agent as hereinafter provided for, or any supervisor through whose road district said road runs, at the rate of one dollar per day, previous to the first of January in each year, and the turnpike agent or supervisor's receipt therefor shall be received by the treasurers of said counties respectively in discharge of said tax, or so much thereof as shall have been worked out in the manner aforesaid: *Provided*, All duties by law enjoined, entitling the performer to a credit on road labor, shall be applicable to this act.

SEC. 11. After the taking effect of this act, the county boards whose counties shall vote in favor of such tax, shall appoint a turnpike agent, who shall hold his office for two years, and until his successor is appointed and qualified; and shall, previous to entering on the duties of his office, take an oath and give bond, with security to be approved of by the county auditor, that he will faithfully and according to law discharge his duties as such turnpike agent, and account for all moneys which may come into his hands as such turnpike agent; and he shall, not less than once in each year, report all his proceedings and settle with the county board: Such agent shall be subject to be removed by the county board at any time: Such agent shall receive such fees out of the fund arising by this act, on order of the county board, as such board shall direct.

SEC. 12. The moneys arising from and under this act, when collected, shall be paid into the county treasury of said counties, for the use of said turnpike, and shall be paid over by the county treasurer

to the turnpike agent, who shall immediately advertise and sell to the lowest bidder work on said turnpike road to the amount of funds in his hands.

SEC. 13. This act shall take effect and be in force from and after a copy of the law of 1847 being filed in the above counties of Allen, Whitley, Kosciusko, and Marshall.

CHAPTER LXXI.

An Act to amend an act entitled "An act to incorporate the trustees of the Indiana Asbury University," approved January 10, 1837.

[APPROVED JANUARY 18, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the act entitled "An act to incorporate the trustees of the Indiana Asbury University," approved January 10, 1837, be and the same is hereby so amended, that from and after the first day of September, 1847, the number of the board of trustees of said University shall be reduced to twenty-one, who shall have and exercise all the powers delegated to said board by the act to which this is an amendment; and said board of trustees, when so reduced, are hereby authorized and empowered so to classify the members thereof into three divisions, that one-third of the board shall go out of office each year, and shall determine by lot what members thereof shall belong to each of said classes.

SEC. 2. That the term of service of all the members of said board of trustees who shall, on the said first day of September, 1847, have been in office for the period of three years or longer, shall expire on said day, and the Indiana annual conference or conferences of the Methodist Episcopal church, at their next meeting thereafter, shall fill said vacancies, or so many thereof as may be necessary to make said board of the number provided for by this act; and said board, at its next regular meeting hereafter, shall classify the members so elected according to the provisions of said first section.

SEC. 3. The regular meetings of said board of trustees shall hereafter be held annually, instead of semi-annually, as provided in the act to which this is an amendment.

SEC. 4. That part of section four of said act which provides that whenever any trustee shall be absent from three stated meetings of the board his seat shall be vacated, is hereby repealed.

SEC. 5. The fifth section of said act shall be and the same hereby is so amended that the said board shall not be restricted to

members of their own body in the election of a treasurer and a secretary.

SEC. 6. That part of the fifth section of said act which provides that the bonds, notes, obligations, or conveyances of real, personal, or mixed property belonging to said University shall be deposited with the treasurer, is hereby repealed; and hereafter all such bonds, notes, obligations, or conveyances shall be deposited with the secretary, subject to such rules and regulations as the board of trustees may from time to time prescribe.

SEC. 7. The real estate which by said act said board of trustees is authorized to hold for the use of said University, shall, after the passage of this act, be exempt from any taxation whatsoever, either for State or county purposes.

SEC. 8. Said board of trustees shall have power whenever in their opinion the interests of said University may require it, to organize and establish as a part of said University, a professional school or schools, whether of law or medicine, at such place or places in the State as they may think best; and shall have full power to appoint professors and teachers thereof, subject to the general provisions of the act to which this is an amendment, and to such rules and regulations as said board may from time to time prescribe.

SEC. 9. Whenever any board shall deem it conducive to the interests of said University to establish a law or medical department thereof, whether the same shall be located at Greencastle or elsewhere within the State, they shall have power to hold and possess all the real estate and other property necessary therefor, as fully as they now have power to hold real estate for said University by virtue of the act to which this is an amendment: *Provided*, That nothing herein contained shall authorize said board to hold real estate for the use of any one professional school so established of a greater value than thirty thousand dollars.

SEC. 10. All parts of the act to which this is an amendment which come within the purview of the provisions of this act, be and the same are hereby repealed.

SEC. 11. This act to take effect and be in force from and after its passage.

CHAPTER LXXII.

An Act to locate a State road in Randolph and Wayne counties.

[APPROVED JANUARY 18, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Paul W. Way and Miles Hunt, of the county of Randolph, and Jacob Ulrich, of the county of Wayne, be and they are hereby appointed commissioners to view, mark, and locate a State road, commencing at the town of Winchester, in Randolph county, and running thence on the nearest and best route to Huntsville, in said county of Randolph, and from thence on the nearest and best route to the town of Hagerstown, in Wayne county.

SEC. 2. The said commissioners shall meet at the house of the said Miles Hunt, in Huntsville, in Randolph county, on or before the first Monday in May next, and after having taken an oath faithfully and impartially to discharge the duties assigned them, shall proceed to view and locate said road agreeable to the points and courses designated in the first section of this act.

SEC. 3. The said commissioners shall, within thirty days after they shall have located said road as aforesaid, report to the county auditors of the said counties of Randolph and Wayne so much of said road as may be located in the respective counties of said auditors, which report the said auditors shall lay before their respective county boards at their next session thereafter; and said county boards shall severally cause the said report when so made to be recorded, and order said road to be opened; and said boards of county commissioners in the counties of Randolph and Wayne shall make said commissioners such compensation as shall be reasonable, each county paying its proportion according to distance.

SEC. 4. This act to take effect and be in force from and after its passage; and it is hereby made the duty of the Secretary of State to transmit certified copies of this act to the auditors of Randolph and Wayne counties.

CHAPTER LXXIII.

An Act to amend an act entitled "An act to incorporate the Eel river seminary society," approved January 1, 1829, and for other purposes.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all the acts and proceedings of the trustees and stockholders of the Eel river seminary society under the above entitled act and the acts amendatory thereof, not inconsistent with [the] constitution or laws of this State, be and the same are hereby legalized; and the trustees elected by said corporation on the first Friday in October, A. D. 1846 be and the same are hereby declared to be trustees of said society.

SEC. 2. That the name of the said corporation shall be known and called "The Cass County and Eel River Seminary Society," and under such name shall be entitled to all the rights and be liable to all the obligations which said Eel river seminary society had a right to or was liable to; and the said trustees elected as aforesaid shall be trustees of said Cass county and Eel river seminary society, and shall be governed by the said original act of incorporation, and the acts amendatory thereof, and the laws of 1843 regulating county seminaries and seminary funds, and such other laws amendatory thereof which may have been or may hereafter be passed by the General Assembly of this State; and said trustees shall serve until their successors are elected and qualified as hereinafter provided.

SEC. 3. The county commissioners of Cass county, at their first regular session in the year eighteen hundred and forty-seven, or as soon thereafter as may be practicable, shall record on their order book a list of the stockholders under the act incorporating the Eel river seminary society, approved January 1, 1829, [and] of the acts amendatory thereof, as certified to them by a majority of the trustees thereof, and on the second day in such session at which such entry of [the] stockholders shall be made, and annually thereafter, at the first regular session of said board of commissioners in each year, the said commissioners shall open a poll for the election of trustees, and said stockholders shall be entitled to three votes for each share owned by such stockholders, and every person that shall pay into the county treasury the sum of ten dollars, or more, for the benefit of said seminary, shall be entitled to one vote for each ten dollars so paid: *Provided,* No person shall be entitled to more than ten votes at such election; and the five persons who shall receive the highest number of votes shall be by said county commissioners declared elected trustees of said corporation on the part of the stockholders; and the said county commissioners shall thereupon appoint four trustees on the part of said county, who, with the trustees so elected

as aforesaid, shall be the trustees of said corporation; and the trustees so elected and appointed shall serve for one year, and until their successors are elected and qualified.

SEC. 4. The said trustees shall have full power and authority to demand and receive of and from the trustees of the Eel river seminary society all the funds and property, both real and personal, and all choses in action or evidences of debt belonging to said Eel river seminary society, and in like manner to demand and receive of and from the persons having charge or possession of the same, any and all moneys, bills, notes, bonds, or other evidences of debt now held or which may hereafter be received or held belonging to or for the benefit of the society seminary fund of the said county of Cass.

SEC. 5. The said trustees shall have power to receive donations in money, personal or real property, labor, or choses in action, to aid in the erection of the necessary buildings, or for the purpose of furthering the objects of the association; and the said trustees shall report the amount of any such donation, or the cash value thereof, to the board of commissioners of said county; and at the next annual election the said donor shall be entitled to vote for each ten dollars of said donation the same as if the same was stock, as provided in the third section of this act: *Provided, however,* That no stockholder shall be entitled to more than ten votes.

SEC. 6. The said trustees shall elect such officers as are provided for in the act to which this is an amendment, and in the manner therein prescribed; and they shall require of the treasurer of said corporation bond with three or more freehold securities, to be approved by said trustees, in such sum and with such conditions as they may require.

SEC. 7. The funds and all other property of whatsoever kind which may come into the possession of said corporation, together with that now had and held by said Cass county and Eel river seminary society, shall be held by said corporation for educational purposes in said county of Cass, as contemplated by this act, and shall never, directly or indirectly, be diverted from such object.

SEC. 8. It shall be the duty of the county treasurer of said county of Cass to pay over to said corporation from time to time as the same may hereafter be received by him, any moneys which may belong to the county seminary fund of said county, which funds shall be by said corporation applied to the educational purposes aforesaid.

SEC. 9. This act shall not take effect or be in force until the same shall have been entered at full length on the order book of the board of county commissioners of said county of Cass, and be by them accepted on the part of said county, nor until the said Eel river seminary society shall file in the office of the auditor of said county their written acceptance of this act, properly authenticated, which last mentioned acceptance shall be entered upon the records of the

said board of county commissioners; and upon the taking effect of this act according to the provisions of this section, all laws and parts of laws coming within the purview of this act be and the same are hereby repealed.

CHAPTER LXXIV.

An Act to incorporate the Jefferson Manufacturing Company.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That Nathan Powell, Abram Hendricks, Jesse Whitehead, John Craig, James F. D. Lanier, and Caleb T. Lodge, together with such other persons as may associate for the purpose of manufacturing cotton and woollen goods, to be established at Madison, in the county of Jefferson, be and the same are hereby ordained, constituted and declared to be a body politic and corporate, to all intents and purposes, to be known and designated by the name of "The Jefferson Manufacturing Company," by which name they and their successors and assigns shall have perpetual succession, and be entitled to all the privileges and immunities of this State as a body politic and corporate.

SEC. 2. The capital stock of said company shall not exceed one hundred and fifty thousand dollars, consisting of shares of fifty dollars each: That it shall nevertheless be lawful for said corporation, as soon as ten thousand dollars have been subscribed, to commence their business, and they shall then be entitled to all the privileges of extending the amount of capital, by subscription, to one hundred and fifty thousand dollars, as the interests of the business of said corporation may require: And the aforesaid incorporation, or any three of them, are constituted commissioners, and as such are hereby authorized to open books and receive subscriptions to said stock, at such places and times as they may deem expedient after the passage of this act, which subscriptions shall be paid at such time and in such manner as the board of directors may direct.

SEC. 3. As soon as ten thousand dollars shall be subscribed to the capital stock of said company, the aforesaid commissioners shall proceed to order an election of one president and five directors, who shall have the whole management of the stock, property, and concerns of said corporation: Said commissioners shall give at least ten days' notice previous to holding said election, by publishing the same in the newspapers of said county, if there be any, and if not, by posting up such notice in at least three public places at least ten days

before said election: The said president and directors shall be chosen by ballot from among the stockholders, each share of fifty dollars being entitled to one vote, and shall hold their offices for one year from the time of their election, and until their successors are elected, and no longer; and they shall be elected by a majority of the votes given, either by the stockholders present, or by written proxy of those not present, which election shall be held in the city of Madison, and annually from the date of the first election: The said commissioners shall act as judges, and shall manage and conduct said election; but at each subsequent election the president and acting directors shall act as inspector and judges, and shall manage and conduct said election: And in case of vacancy by death or otherwise of one of the members of said board, the remainder of said board shall have power to fill such vacancy; but if a vacancy of two or more should occur, the remaining board shall proceed to order an election to fill such vacancy.

SEC. 4. It shall be the duty of the president not only to preside over the said board when in session, but to take a general supervision and control over the property and operations of said company, and the various interests thereof, in order to carry out the designs of said board of directors.

SEC. 5. In case it shall happen at any time that an election of president and directors should not be made on any day when in pursuance of this act it ought to have been made, the said corporation shall not for that cause be dissolved, but it shall be lawful on any other day to hold an election for president and directors, in such manner as shall be regulated by the by-laws and ordinances of said corporation.

SEC. 6. A majority of said directors shall form a quorum capable of transacting the business of said company, and may enact such by-laws, rules, and regulations as they may deem expedient for the government of said corporation: *Provided,* They be compatible with the constitution of this State and the United States: And said president and directors shall have full power and authority to put into operation all the designs contemplated in this charter.

SEC. 7. The stock of said corporation shall be considered as personal property, and shall be assignable agreeably to such rules and regulations as the president and board of directors may at any time make and prescribe: *Provided,* That no transaction in the capital of said stock shall be valid until the same shall be entered as a matter of record on the books of said company, nor till all or any claims which said company may have against any stockholder shall be liquidated.

SEC. 8. The president and directors shall have power to receive and by due course of law to collect all subscriptions in writing, for the purpose of raising the funds necessary to carry into effect the objects of said corporation, and shall be entitled to receive ten per centum damages on any stock which shall not be paid pursuant to the requisitions of the board, or the board may, in their discretion, after failure to pay any instalment of stock as required, declare the

part of said stock before paid in on said share forfeited to the use of said company: *Provided*, That notice of such requisition shall be given by said directors, by advertising the same for at least thirty days in one or more newspapers of general circulation published in said county, and at least thirty days before such instalment may be payable, specifying the amount thereof, and when due.

SEC. 9. The corporation shall require of all officers and others in their employ, bonds, with security to their acceptance, with such penalties as they may think proper, for the faithful performance of their respective duties.

SEC. 10. Said directors shall appoint one secretary and one treasurer, who shall report to said president and board of directors at least every six months, and as much oftener as the board may require; said treasurer shall, if required by said board, give such security as the said board may require; and said secretary shall keep the books of the company in such manner so that at any time they will give a full expose of the whole transactions of the concern, which books shall at all times be open to the inspection of all stockholders; and that said secretary, upon refusal thus to display said books during any of the usual hours of doing business, shall be subject to be displaced by said board, who shall have power to appoint another to fill his place during the balance of his term.

SEC. 11. The said corporation, when thus organized, shall have full power of contracting and being contracted with, suing and being sued, pleading and being impleaded, defending and being defended, in any court of competent jurisdiction, and that they and their successors may have a common seal, and may make and alter the same at pleasure; and they and their successors, as a body corporate, by the aforesaid name, shall be competent and capable of purchasing, holding, using, and occupying any property or estate whatsoever, real or personal, that may be necessary to the prosecution of the objects aforesaid.

SEC. 12. Said corporation shall not at any time issue any paper, or in any manner engage in the business of banking, or put in circulation, on their own credit, any thing as the representative of money.

SEC. 13. If the board of directors of said company shall contract debts, in their corporate capacity, over and above the amount of stock subscribed and paid in and actually employed in the legitimate purposes of said company, the board of directors so contracting shall be individually liable for the payment of such excess; and the Legislature of this State reserves the right to alter and amend this charter, and to repeal the same upon the violation of any of its provisions by the stockholders or officers of said company.

SEC. 14. This act is hereby declared to be a public act for all the purposes herein specified, and shall take effect and be in force from and after its passage.

CHAPTER LXXV.

An Act in relation to the common school fund in the county of Jackson.

[APPROVED JANUARY 23, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That each and every treasurer in the several school townships in said county be and he is hereby required, on or before the first day of April next, to make, execute, and file with the auditor of said county a bond, with two or more freeholders as sureties, payable to the trustees of the township for which he has been appointed treasurer, in a penalty at least of double the amount of the school fund belonging to the said township, conditioned for the faithful discharge of the duties of treasurer of township — range —, according to the laws now or which may hereafter be in force: The trustees of the proper township shall approve of the securities to said bond, and endorse their approval thereon; and any person hereafter appointed treasurer as aforesaid, shall, before entering upon the duties of his office, in like manner give bond as is required of treasurers already appointed, and file the same with the said county auditor: And if any township treasurer already appointed shall fail to give bond as above required within the time, his office shall become vacant, and if any township treasurer who shall hereafter be appointed shall fail to give bond as above required for more than thirty days after he has received notice of his appointment, his said office shall likewise become vacant, and in either case the trustees of the proper township shall immediately proceed to fill such vacancy by a new appointment.

SEC. 2. Said treasurer and his sureties shall be jointly and severally liable on said bond for any willful neglect of duty, or for any waste, misapplication, or embezzlement of the school funds in his hands, to be recovered by an action of debt by the trustees of the township for the time being, in their corporate name: And the trustees approving of the said securities to the said bond, shall be liable to the inhabitants of the proper township for the sufficiency of such securities at the time the same are taken; and if it shall appear that the securities were insufficient at the time of the taking of the same, the trustees approving them may be sued by any person interested in said fund in the name of the State of Indiana, for the use of the inhabitants of the proper township, in an action of debt for all damages sustained by said township on account of the insufficiency of said securities.

SEC. 3. Whenever the treasurer of any school township shall have given bond as required by the first section of this act, it shall be the duty of the school commissioner and auditor of said county to deliver to the treasurer of such township, who shall receipt therefor, all moneys in their hands belonging to said township; also, all bonds,

mortgages, notes, and securities of every description for money or property due or to become due to said township, or to any person or body corporate for the use of the same, for which a like receipt shall be given, and all papers of every description belonging to or in any wise pertaining to the rights or interests of the township, and the receipts of such treasurer shall be entered by said auditor upon the record book of the county commissioners' court, and shall be by him filed in his office and carefully preserved, and shall be evidence of the facts therein stated, as well in favor of said commissioner and auditor, as against the treasurer.

SEC. 4. Every treasurer of a school township in said county shall provide himself with two well bound books, the one to be called the cash book and the other the loan book; he shall charge himself in the cash book with all moneys received, stating in the charge from whom received, and on what account received, and credit himself with all moneys paid out or loaned, stating in the credit to whom paid, and on what account, or if loaned, to whom; he shall enter in the loan book the name of every person to whom money is loaned, the amount loaned, the date of the loan, the rate of interest, the time when due, the names of the securities, or if real estate be taken, a description of the same: The expense of procuring said books shall be paid out of the school fund of the proper township upon the order of the trustees.

SEC. 5. The township treasurers shall loan the funds belonging to their respective townships, and in loaning said funds the said treasurers shall be governed by the laws in force regulating the loaning of township funds by the auditor and school commissioner, so far as the same may be applicable to township treasurers.

SEC. 6. It shall be the duty of the treasurer in each township in said county, at the December term of the county commissioners' court of said county, in each and every year, to make to said court a report showing the condition of the funds in his hands, which report shall be verified by the affidavits of said treasurers, and shall be filed by the county auditor, and carefully preserved by him in his office.

SEC. 7. The office of school commissioner in the said county of Jackson be and the same is hereby abolished, and all the duties heretofore performed by said commissioner in said county be and the same are hereby transferred to and are hereby required to be performed by the township treasurers in the several townships, so far as the same relates to the management of the school funds belonging to the school townships; and that all other duties required of the school commissioner in said county be performed by the county auditor.

SEC. 8. The trustees of the several townships are hereby authorized and empowered to sue for and collect all money due or to become due, or property in any wise due or belonging to their respective townships.

SEC. 9. For loaning and managing the township funds, the several treasurers shall receive the same fees as are now allowed by law to the school commissioner and auditor for similar services.

SEC. 10. In case any township shall fail or refuse to receive the township funds belonging to said township, it shall be the duty of the said school commissioner to deliver over to the treasurer of said county, who shall receipt therefor, all money belonging to such township; also, all bonds, mortgages, notes, and other securities of every description, for money or property due or to become due to such township, or to any person or body corporate for the use of the same, and all papers of every description, and the receipt of said county treasurer shall be filed and recorded, and be of like force and effect as provided in the third section of this act; and it is hereby made the duty of said county treasurer to receive all such money, bonds, mortgages, notes, and other securities, and also all such papers belonging to townships failing to accept their portion of the township fund; and the county treasurer shall have the management of the funds belonging to such township, and shall perform all the duties in relation thereto, as are now required to be performed by the school commissioner, and shall receive the same compensation as that provided by law for school commissioners for similar purposes.

SEC. 11. All laws or parts of laws contravening the provisions of this act are hereby repealed, so far as the same relates to the county of Jackson.

SEC. 12. This act to be in force from and after its passage; and it is hereby made the duty of the Secretary of State to cause a certified copy of the same to be filed in the clerk's office of the Jackson circuit court.

CHAPTER LXXVI.

An Act to incorporate the Delphi Manufacturing Company.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That James Spears, William Bolles, Newton H. Gist, Nathaniel W. Bowen, William Potter, Noah B. Dewey, and James H. Stewart, and their associates and successors in office be and they are hereby created a body politic and corporate, for the purpose of manufacturing cotton and woollen cloths and yarns, at or near the town of Delphi, in Carroll county, in the State of Indiana, by the name of "The Delphi Manufacturing Company," and by that name they and their successors shall have perpetual succession, and all the pri-

vileges and immunities incident to a corporation, and may take, purchase, and hold to them and their successors in fee simple, or for any less estate, any lands, tenements, or hereditaments, and also any personal estate which may be necessary for the efficient prosecution of the object contemplated by this act, and shall be capable by their corporate name aforesaid of suing and being sued, pleading and being impleaded, answering and being answered unto in all courts of competent jurisdiction, and shall have and use a common seal, and the same to break, change, or renew at pleasure: *Provided*, That the stock, funds, and property of said company shall be applied to no other use or purpose than is provided for by this act.

SEC. 2. The capital stock of said company shall be one hundred thousand dollars, divided into shares of twenty-five dollars each.

SEC. 3. The directors in this act named, or a majority of them, shall meet at such time and place as they may agree on, and organize said corporation, by electing one of their body president, and after such organization any five of said board shall be a quorum to transact business.

SEC. 4. So soon as said company shall have duly organized themselves as aforesaid, they shall proceed to open books for the subscription to the capital stock of said company, at Delphi, and such other places in this or other States as they may deem proper, to receive subscriptions to the stock of said company, which books shall be opened at such time and under such regulations as shall be directed by said company.

SEC. 5. That as soon as two hundred shares are subscribed for, it shall be the duty of said company to give four weeks' notice thereof, in some public newspaper in said town of Delphi, or in this State, and in such notice appoint a time and place to meet and elect seven directors, who shall be stockholders and citizens of this State, which election shall be held by and conducted under the superintendence of one inspector and two judges, appointed by the stockholders present; and the person having received the highest number of votes shall be declared duly elected: In all elections by the stockholders of said company, each stockholder shall be entitled to one vote for each share not exceeding ten, and for every two shares above ten and not exceeding twenty, one vote, and for every three shares above twenty, one vote; and the directors thus elected shall hold their offices until their successors are elected: *Provided*, That said election and all subsequent elections for directors shall be by ballot; and said votes may be given by the person owning the same, or by one of any partners, or by any trustee, or guardian, or administrator, or executor, or by the agent of any incorporation owning any of the stock aforesaid, and any person having a right to vote may vote by proxy.

SEC. 6. After such first election all subsequent elections shall be holden at Delphi on the first Monday in January in each and every year, and the directors thus elected shall hold their offices for one year, and until their successors are elected: *Provided*, That if the

election for directors shall not be holden at the time prescribed in this section, the company shall not be dissolved, but it shall and may be lawful to hold an election at any time, notice thereof being given as prescribed by the fifth section of this act.

SEC. 7. That the president and directors shall in all cases manage the concerns of the company, appoint such officers and agents as may be necessary, fill vacancies which may happen in their body until the next annual election, make by-laws for the regulation and government of said company: *Provided*, The same shall not be inconsistent with the constitution and laws of this State or of the United States: They may require such oaths or affirmations, bonds, and securities of any of the agents of said company as they may deem necessary; may call special meetings of the stockholders, always giving at least ten days' notice as enacted in the fifth section of this act; keep a record of all the transactions of said company, and do all other matters and things touching the concerns of said company contemplated in this act.

SEC. 8. That if any stockholder in said company shall neglect or refuse to pay any instalment after thirty days' notice of the time and place of payment, being in the manner provided in this section, he or she, as the case may be, shall forfeit and pay three per centum on the amount of such instalment for every month such instalment may or shall remain unpaid after the time such instalment may be required to be paid; it shall be optional with the directors to declare the stock of such delinquent forfeited to the company, together with whatever may have been paid thereon, or to collect the same, together with the penalty which may have accrued: *Provided, always*, That this act shall not be construed so as to affect the estate of any deceased stockholder, until said estate can be legally settled: And no delinquent stockholder shall have a right to vote at any meeting of said company: *Provided*, That said company shall have power to call for such portion of the stock subscribed, not exceeding ten per centum of the whole amount every month, as they may think proper, to be paid at such time and place as they may designate, by giving thirty days' notice thereof in one of the public newspapers of Delphi.

SEC. 9. That the directors to be elected as provided for in the fifth section of this act, and their successors in office, may from time to time order books for the subscription of stock to said company to be opened at such times and places as they may designate, for the purpose of making up a sufficient amount to carry out the object contemplated in this act, and when a sufficient amount may be subscribed may close the same; and the directors of said company may from time to time erect such buildings as they may deem proper, either for carrying on manufacturing, or for tenements for the hands employed by them, and all such other improvements necessary to effect the objects contemplated in this act.

SEC. 10. The directors of said corporation shall be individually liable for all debts contracted for labor or materials employed within

the purposes of this act of incorporation, when the same shall not be paid by them in their corporate character.

SEC. 11. This act shall be considered a public act, and be favorably construed for all beneficial purposes, and may be amended or repealed by any subsequent legislature.

SEC. 12. This act to be in force from and after its passage.

CHAPTER LXXVII.

An Act to incorporate the city of Jeffersonville.

[APPROVED JANUARY 27, 1847.]

NAME, GENERAL FORM, AND POWERS OF THE CORPORATION.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the inhabitants of the town of Jeffersonville, in Clark county, heretofore incorporated by the name of "The Town of Jeffersonville," are hereby declared a body corporate and politic by the name of "The City of Jeffersonville," and by that name to have perpetual succession, [with power to] contract and be contracted with, sue and be sued, plead and be impleaded, defend and be defended against in any court of law or equity; but said corporation shall not purchase nor deal in any real estate, goods, wares, nor merchandise for speculation, nor deal in public stocks of any kind or description, bills of exchange, writings obligatory, promissory notes, or other evidences of debt, nor issue any bills of credit or certificates of deposit, nor exercise any banking privileges whatever; but may purchase and hold real estate for all municipal purposes, for public buildings, squares, commons, wharves, piers, cemeteries, market, engine, alms, and work houses, schools, seminaries, hospitals, literary and charitable institutions, houses of correction and refuge, and a jail, and may borrow money for the use of said corporation.

SEC. 2. The said corporation may have a common seal, and break, alter, and renew the same at pleasure, and make and enforce all by-laws, ordinances, and police regulations, not repugnant to the constitution and laws of this State and the United States, necessary for the good government and welfare of said city, and to prohibit whatever may tend to disturb or injure the health, person, or property of the citizens, with suitable penalties, and assess and collect all taxes necessary for said corporation as herein provided.

BOUNDARIES.

SEC. 3. The limits of said city shall embrace all of the original plat of said town and of the enlargement thereof south of New Market street, as the same are of record in the office of the recorder of Clark county, and co-extensive on the line of the Ohio river with the limits and jurisdiction of this State.

WARDS.

SEC. 4. The said city shall remain divided into separate wards, bounded and apportioned to give as fair and equal representation to the citizens of each ward in the council as can conveniently be made, and the wards may be altered, increased, or diminished for this object and the public convenience, having at no time less than five nor more than ten wards in the city.

OFFICERS—HOW CREATED—TERM OF SERVICE—AND COMPENSATION.

SEC. 5. The officers of said city shall be a mayor, ten councilmen, a clerk, recorder, marshal, an assessor, collector, and treasurer, and such subordinate officers as are hereinafter designated.

SEC. 6. The mayor shall be elected by the qualified voters of the city for the term of three years from his election, on the day of the annual election, and shall hold his office until his successor shall be elected and qualified; and in case of a special election of a mayor to fill a vacancy, [he] shall hold during the unexpired term of his predecessor.

SEC. 7. The councilmen shall be elected by the qualified voters of the city in their several wards, for the term of one year from the day of the annual election, and shall each hold his office until his successor shall be elected or appointed and qualified; and in case of a failure to elect or qualify, or a vacancy from any cause, the councilmen elect or in office, when a vacancy occurs, with the mayor or president pro tempore, shall immediately proceed to fill such vacancy or office, or refusal or neglect to qualify, by a majority of the votes of the councilmen present at any regular meeting; and the councilman so appointed shall hold his office until the next annual election, and until his successor shall be elected or appointed and qualified.

SEC. 8. The recorder shall be elected by the qualified voters of the city, for the term of three years from the day of the annual election, and shall hold his office until his successor shall be elected, commissioned, and qualified, unless the council, prior to the time of giving notice of opening the polls for his election, [shall declare] by a resolution entered of record to open a poll for recorder, and give a public notice of the same, with the notice of opening the poll for other officers on that day, in which event his office shall terminate

on that day; but in case of a vacancy in the office from any cause, the council may, in their discretion, order a special election for recorder according to the provisions of section twenty-two of this act, who by such election shall hold his office until the next tri-ennial election of the mayor, and until the successor of such recorder shall be elected, commissioned, and qualified, unless no poll shall be opened as herein provided, in which event his office shall terminate on that day.

SEC. 9. The clerk, marshal, assessor, collector, and treasurer shall be appointed by the council at their meeting within one month after the day of the annual election by a majority of the councilmen in office, and shall each hold his office for the term of one year, and until his successor shall be appointed and qualified, unless removed for misbehavior by a majority of two-thirds of the councilmen in office, when a successor may be appointed for the unexpired term, in the same manner, and also in case of a vacancy from any other cause.

SEC. 10. The mayor and councilmen may appoint an attorney to prosecute suits for the city, and other duties; an engineer, a jailer, sexton, one or more assistant marshals, watchmen, street inspectors, market and wharf masters, or clerks of the market, inspectors of flour, beef and pork, salt, tobacco, and lime, gaugers of spirits, weighers of hay and coal, and measurers of coal and wood within said city; and for this purpose the same power now vested in the board of county commissioners is hereby vested in the mayor and council of the city of Jeffersonville within the limits of said city exclusively, and the same penalties now enacted for violation of the laws for such inspection shall be imposed by ordinance of such mayor and council, and appropriate penalties, where none are in force, shall enure to said city and be paid to the treasurer of the same; and each officer and appointee herein named shall have his period of service and term of office designated by the council, not more than one year, and if such term is not so designated, shall hold his appointment until the meeting of the next council elect, and until his successor shall be appointed and qualified; but each and all may at any time be removed by a vote of the majority of the councilmen in office.

COMPENSATION.

SEC. 11. That each member of the city council shall be entitled to receive the sum of one dollar for every meeting he may attend, held by said council, to be paid out of the funds belonging to said corporation: *Provided*, That they shall only receive payment as aforesaid at their regular monthly meeting, and at no special session: *And provided further*, That this section shall not be in force until approved of by a majority of all the members elected to said council.

SEC. 12. The council shall at some regular monthly meeting fix the compensation of the mayor, clerk, assessor, collector, and treasurer, and of the officers or appointees designated in section nine, or

the share and portion of the fees received by each, wherever they may judge less than the whole amount received by him a sufficient compensation, and may increase or diminish the same at such meetings according to the service performed, not changing directly or indirectly any contract made.

SEC. 13. The recorder shall be entitled to charge and receive the same fees as a justice of the peace on all suits, prosecutions, and other business, whether under the charter, by-laws, and ordinances of the city, or the laws of the State.

SEC. 14. The marshal shall be entitled to receive the same fees as a constable for similar duties and services, and such other compensation as the peace and police officers of the city and ministerial officer of the mayor and council, as the council at a monthly meeting deem a just compensation for the services rendered.

QUALIFICATIONS OF VOTERS.

SEC. 15. Every qualified voter of this State, not a pauper, having resided in the city of Jeffersonville for six months [next] preceding the day of election and having paid his corporation tax for the year preceding, if such tax was assessed to him, and none others, shall be entitled to vote in the ward in which he resides in all city elections.

ELECTIONS.

SEC. 16. The election of councilmen shall be held in each ward, at the place designated by the council, on the first Monday of June, annually, between the hours of ten o'clock, A. M., and four o'clock, P. M.; and of mayor and recorder, with the exception provided in section eight, on the same day, between the same hours, tri-ennially, from the expiration of the term of the present incumbents.

SEC. 17. The council shall, at their regular May meeting, or at a special meeting within ten days thereafter, direct the opening of the polls at some convenient place in each ward, between the hours of ten o'clock, A. M., and four o'clock, P. M., on the first Monday of June then following, for the election of the designated number of councilmen by them apportioned to each ward, and such other officers as are to be elected on that day, but separate polls for the same shall not be necessary, and appoint two resident freeholders in each ward judges or inspectors of the election, and cause suitable notices, specifying [the] time, place, and officers to be elected in the city, and each ward, to be published by the clerk, with his attestation, in some public newspaper, if published in said city, otherwise by being posted in five of the most public places in said city, for two weeks prior to said day of election, and also cause notice to be given to such judges or inspectors in due time of their appointment, and poll books to be prepared for each ward by the clerk and delivered to the judges.

SEC. 18. The judges or inspectors of each ward shall, previous to the opening of the polls, appoint a clerk from the qualified voters of

the city, and together with such clerk, go before some officer authorized to administer oaths, and take an oath or affirmation faithfully and impartially to discharge their duties as judges and clerk of such election, and shall then have the same powers and be entitled to the same compensation as judges or inspectors and clerks of other elections in the State.

SEC. 19. When thus qualified, the said judges shall proceed to open the polls by proclamation at the proper time and place, and there to receive and count the votes given, and the clerk to keep a correct list of the same until the period of closing the polls.

SEC. 20. The judges and clerk of each ward shall meet at the office of the clerk of the council at the close of the polls, and proceed with all convenient despatch to compare their several poll books, correct any mistakes therein, and certify the same under their hands and seals to the clerk of the council, stating in their certificate who has received the highest number of votes, if for mayor or recorder, in the city, and if for councilmen, in the designated ward.

SEC. 21. All contested elections shall be determined by the council, the contestant giving the clerk and officer returned elected notice within five days after the election of such contest; and where the two highest candidates receive an equal number of votes, the election, if for mayor or recorder, shall be referred back to the voters by a special election; and if for councilmen, the council shall select by appointment one of those candidates receiving the highest number of votes for councilman.

SPECIAL ELECTIONS.

SEC. 22. Whenever a vacancy occurs in the office of mayor or recorder, the council shall, under the instructions in section eight, order a special election on some convenient day, between the hours designated for the regular elections, designate the place of opening the polls, appoint judges, and cause notice to be published for two weeks previous thereto, as prescribed for the regular election in section sixteen, and otherwise the said election shall be conducted in the same manner as the regular election provided for in the preceding sections.

QUALIFICATIONS OF OFFICERS.

SEC. 23. The mayor and councilmen shall be qualified voters and freeholders in said city, and the councilmen shall reside in the wards in which they shall be elected.

SEC. 24. The mayor, councilmen, recorder, marshal, collector, treasurer, and such of the subordinate officers enumerated in section ten as the mayor or president and council shall designate, shall each, before entering upon the duties of his office, take an oath or affirmation before an authorized officer to support the constitution of this State and the United States, and faithfully to discharge the duties of his office to the best of his skill and ability, the taking of which

shall be certified on the back of the certificate of election or appointment, and in case of the recorder, on the back of his commission, by the officer administering the same.

SEC. 25. The marshal, collector, treasurer, and such subordinate officers named in section ten as the council may designate, shall give bond payable to the city of Jeffersonville, with such good and sufficient security as the council shall approve, in such penal sum as the mayor and council shall direct (the marshal in a sum not less than one thousand dollars, collector and treasurer not less than double the amount of the taxes assessed for the current year,) conditioned for the faithful discharge of the duties of his office, and to account for and pay over all moneys received by virtue of his office to the person or authority entitled to the same on demand, and the bond shall be filed with the clerk of the council, and suit may be instituted thereon in the name of said city, to the use of the person or authority aggrieved or entitled to such money; and no stay of judgment or execution shall be had on any official bond given to said city.

SEC. 26. The recorder shall execute his bond with good and sufficient freehold security, to be approved of by the clerk of the Clark circuit court, payable to the State of Indiana, in the penal sum of not less than one nor more than three thousand dollars, conditioned for the faithful discharge of the duties of his office, and for paying over on demand to the person entitled thereto or authorized, all moneys that may have come into his hands by virtue of his office, and shall be liable to the same penalties and prosecutions as justices of the peace are by law.

DUTIES OF THE MAYOR.

SEC. 27. The mayor shall preside at all meetings of the council.

SEC. 28. The mayor shall at all times see that the criminal laws of this State, and the ordinances, by-laws, and police regulations of said city are duly observed and enforced, and that all officers elected or appointed in said city promptly and efficiently discharge their respective duties; he shall suppress all riots, disturbances, and disorderly meetings, arrest all felons or other offenders against the laws of this State, and ordinances of the city, as other peace officers within said city, and cause them to be taken before the proper tribunal for trial, and may command all necessary assistance therefor; he shall superintend all public works of the city, make and give to the council or other proper authority or person estimates, and report progress and expenses of works and improvements and repairs, and see that all contracts with the city and its officers are faithfully complied with and executed; that all taxes are regularly assessed and collected and paid over, and report all delinquent or negligent officers and appointees and contractors to the council; see that all fines and penalties enuring to the city are duly collected, paid over, and applied, and perform all other duties required by law, the ordinances and

regulations of the city, and the resolutions of the council, or pertaining to his office.

COUNCIL AND ITS DUTIES.

SEC. 29. The mayor and councilmen shall constitute a board called "The Common Council of the City of Jeffersonville," of which the mayor shall be president.

SEC. 30. Six councilmen and the mayor, or in his absence or a vacancy in his office, seven councilmen without the mayor, shall form a quorum; and such seven or more councilmen shall in that event appoint one of their number president pro tempore, and during such vacancy the president pro tempore shall act as mayor.

SEC. 31. The mayor shall only give the casting vote at the meetings of the board, and the president pro tempore can give such casting vote besides his vote as councilman, but they shall keep order, regulate the order of business, and method of proceeding, subject to appeal, and under the regulations of business and voting adopted by the board.

SEC. 32. The regular meetings of the city council shall be held on the first Monday of every month, except in the month of June, when they shall be on the second Monday, at the office of the clerk, or council room, if such has been provided.

SEC. 33. Special meetings may be called by the mayor or three councilmen, by giving notice to the clerk or marshal in writing, to have the remainder notified of such special meeting, giving reasonable notice of the time and place of such meeting, and the marshal, and in his absence from the city or inability, any assistant marshal or watchman shall give that notice to the remainder of the councilmen.

SEC. 34. The city council shall have the control of all the property, streets, lanes, alleys, wharves, piers, squares and commons, and public buildings, and may, in the exercise of a sound discretion, improve, repair, and change the same, fix grades, make culverts, sewers, drains, fill up ponds, pools, and all receptacles of filth and stagnant water, fix side walks, and plant shade and ornamental trees, protect, and arrange, and ornament cemeteries, public walks, and grounds, shall control and manage the finances, and may dispose of all lots of land and other property not necessary for the public use nor dedicated to the public; and ordain and establish all by-laws and ordinances for the purposes authorized, and under the powers conferred on said city by the provisions of this act; and no portion of said city shall be included in any road district, nor shall the citizens or property in said city be taxed for county or State road purposes.

SEC. 35. The city council shall hold all donations, property, and funds vested in the city for education, schools, literary, scientific, religious, and charitable purposes, sacredly reserved and applied for the donated or intended purposes, and shall have authority to apply

any portion of the yearly revenue not necessary for municipal purposes for general education and the support of common schools, and may increase the tax within the limits designated in section fifty-eight for that object.

COUNCIL, AND CLERK AND HIS DUTIES.

SEC. 36. A full and accurate journal and record of each day's proceedings of the city council shall be kept by the clerk, under the supervision of the mayor and council, and after being read and approved of at the next meeting of the council, shall be signed by the mayor or president pro tempore, and attested by the clerk.

SEC. 37. The mayor or president pro tempore shall sign and the clerk attest all by-laws, ordinances, and police regulations, and decrees of a public nature before their publication.

SEC. 38. The clerk shall faithfully and accurately record, in a book kept for that purpose exclusively, in a fair, round, legible hand, all by-laws, ordinances, and decrees of a public nature, under their appropriate heads, which shall at all times be subject to the inspection of any qualified voter of said city.

SEC. 39. The clerk shall cause all by-laws, ordinances, police regulations, and decrees of a public nature aforesaid, certified by him, to be published in some public newspaper of general circulation, if there be such newspaper published in the city, if not, by posting the same in written or printed copies in five of the most public places in said city for the period of three weeks successively, and cause the affidavit of the printer or publisher of such newspaper, or if posted up of himself, the marshal, or assistant marshal who posted the same, or knows of the fact of such publication for three weeks successively or weekly insertions in the newspaper, made before some officer authorized to administer oaths, to be appended to such ordinance in the book of ordinances, and space shall be left for such purpose, and to such other copies as may appear requisite; and such affidavit shall be taken and held as conclusive proof of such legal publication and existence of any such by-law, ordinance, and decree in any court of law or equity in the county of Clark, and with the authentication, where requisite to the certificate of such officers, in any court in this State.

SEC. 40. The clerk shall proceed to file and record on the records and journal of the mayor and council, the certificate of the judges or inspectors and clerks of election prescribed in section twenty on the receipt of the same, and shall, within five days of such election, if no contest of the election is had, make out and deliver to each person elected, except the recorder, a certificate of his election, with the seal of the city and his attestation, and such person elect shall then proceed to qualify himself as required in section twenty-four.

SEC. 41. The clerk shall forward such certificate of the election of the recorder to the Secretary of State, to lay the same before the

Governor, who shall thereupon commission such person as recorder of the city of Jeffersonville for the term designated in such certificate, with the powers and duties prescribed by law, and the charter of the city of Jeffersonville.

SEC. 42. The clerk shall issue a certificate of appointment to each officer appointed by the mayor and council under the provisions of sections nine and ten of this act, with the seal of the city thereto.

SPECIFIC POWERS OF MAYOR AND COUNCIL.

SEC. 43. The mayor and council of said city shall have authority to grant licenses within said city, and under such restrictions and on such terms and conditions not less in force and effect than the conditions, restrictions, and penalties now or at any time imposed by the general laws of the State, to all tavern keepers, inn keepers, retailers of spirituous or malt liquors or wines, keepers of coffee houses, and all other houses of public entertainment, and groceries, shows, menageries, circuses, theatrical and other exhibitions for money or other reward, auctioneers, and hawkers and pedlars; to regulate the same in their discretion, and whenever they deem the same injurious to the interests of the city, the morals, health, or good order of the citizens, the mayor and council may prohibit or take away and render null the same by a vote of two-thirds of the councilmen in office.

SEC. 44. The term of such license shall be prescribed by the city council, not longer than one year, and the authority, and power, and jurisdiction conferred by the preceding section shall be in addition, within said city, to the jurisdiction of the board of county commissioners of Clark county, and the tax on such licenses by the mayor and council additional and exclusive of the tax on the county license, and in all cases to which the jurisdiction of such board of county commissioners does not now extend, exclusive jurisdiction of the whole matter is hereby conferred on the mayor and council of Jeffersonville within said city, and also whereon the said board of county commissioners surrender such jurisdiction to them by a resolution of their board, or do not exercise the same.

SEC. 45. The council may require a bond payable to the city on such licenses as they shall designate, and affix the penalty and conditions thereof under the law of the State, charter, and ordinances of the town; but two hundred dollars shall be the maximum charge on any license for any one year.

SEC. 46. The said council shall have concurrent jurisdiction with the board doing county business to grant license to ferries across the Ohio river from said city to the opposite shore: *Provided*, That nothing in this act contained shall prevent the city of Jeffersonville from laying a yearly tax upon the license aforesaid, in addition to the tax levied by the county of Clark, should said county require a tax thereon; and should said county of Clark not require a tax for said license, said city may levy such tax exclusively, and the

city may by ordinance direct the manner of collecting such tax assessed by said city.

SEC. 47. They shall also have power and authority to license hacks, coaches, drays, carts, and other vehicles for the transportation of passengers, baggage, goods, merchandise, and other articles; hackmen and draymen; fix and regulate the price of fare and transportation for passengers, their baggage, goods, merchandise, and other articles to and from any point or points within said city, and any other point, place, or places, not exceeding the distance of one mile in every direction within the jurisdiction of this State, from the limits of said city, to which extent the jurisdiction of said mayor and council are extended for this purpose by this act.

SEC. 48. The said council shall also have power to fix and regulate the rates and price of wharfage, and landing of all steam boats, ferry boats, flat and other boats, rafts, and vessels of every description, and the use of the wharves, piers, landings, or improvements of the said city for the same, and regulate the mode of collecting the same by suit or by attachment and distress on the boat, raft, or vessel, or part of the same, or her furniture or machinery, and designate the places of landing of such steam boats, ferry boats, flat and other boats, rafts, and vessels.

SEC. 49. The council of said city are empowered to ordain and establish ordinances, by-laws, and police regulations, and to alter, amend, and repeal all such as by section eighty-six of this act are continued in force, for the following objects:

First—To prevent and punish forestalling and regrating:

Second—To prohibit and punish all descriptions of gaming in the limits of the city:

Third—To prevent any riot, or noise, [disturbances,] or disorderly assemblage within said city:

Fourth—To prohibit and suppress all disorderly houses and groceries, houses of ill fame, billiard tables, nine or ten pin alleys or tables, dominoes, bagatelle boards, and similar gaming devices, boards, and instruments, ball alleys, and to authorize the destruction and demolition of all instruments for the purpose of gaming:

Fifth—To compel the occupant or owner of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer, or any unwholesome and nauseous place or house to cleanse, remove, or abate the same from time to time as often as may be necessary for the health, comfort, or convenience of the inhabitants of said city, at the discretion of the mayor and council.

Sixth—To direct the location of slaughter houses, which they have authority to prohibit within one-fourth of a mile of the city limits:

Seventh—To direct the location of all market houses, and houses for storing powder:

Eighth—To regulate the keeping, and conveying, and selling of gunpowder and other combustible and dangerous materials, and the use of candles and lights in barns and stables:

Ninth—To prevent horse racing, immoderate riding and driving in the streets:

Tenth—To prevent the incumbering of streets, side walks, lanes, alleys, wharves, and piers with carriages and other vehicles, boxes, lumber, fire wood, timber, brick, or any other substance or material, but the temporary incumbrance during the erection and repair of buildings may be permitted.

Eleventh—To fix stands for hacks, coaches, omnibuses, and other vehicles for passengers:

Twelfth—To determine and regulate the times of bathing and swimming in the Ohio river opposite said city, and one-fourth of a mile above the limits of the city at the river:

Thirteenth—To restrain and punish vagrants, mendicants, gamblers, street beggars, and prostitutes.

Fourteenth—To prevent dogs from running at large, and authorize and direct the destruction of the same when running at large contrary to an ordinance of said city:

Fifteenth—To prohibit the bringing, or having, or depositing within said city limits, any dead carcass or other unwholesome substance, and to require the removal or destruction of such substance, or any putrid or unsound beef, pork, fish, hides, or skins of any kind by the persons on whose premises the same may be found, and on his default to authorize the removal or destruction of the same by some officer of the city at his expense.

Sixteenth—To prohibit the rolling of hoops, playing at ball, flying kites, or any other amusement or practice having a tendency to annoy persons passing the streets, or endanger their safety, or to frighten teams or horses within said city:

Seventeenth—To compel persons to keep the snow, ice, and dirt from, and to prevent water from accumulating or forming pools on the side walks in front of the premises owned or occupied by them:

Eighteenth—To abate and remove all nuisances, punish for the continuance or sufferance of the same on the premises of the owner or tenant by daily penalties, or otherwise, upon both or either, as may appear most just and suitable, and for this purpose the jurisdiction of said city is extended half a mile beyond the corporate limits in every direction:

Nineteenth—To cause all ponds, pools, and receptacles of stagnant water on any lots or parts of lots in said city to be filled up and made dry ground by the owners thereof, giving such owner notice thereof by the marshal, and where such owner refuses or neglects to do the same, or is unknown or non-resident, and his agent or tenant, if any, refuses or neglects such work, or there is no known tenant or agent, authority is hereby given to the mayor and council to cause the same to be filled up at a fair price, and the amount and cost thereof to be assessed under the direction of the mayor and council, and the order to issue to the collector to levy upon the fee simple of such lot, lots, or part of lots, and sell so much thereof as may be necessary to raise the sum expended on such work and costs, in the

same manner and with the same assurance of perfect title as in levying, collecting, and selling for taxes as provided in sections seventy-one and seventy-two, and a lien is vested on said lots or parts of lots for the amount of such work from the commencement thereof under the direction of the mayor and council, and their agents:

Twentieth—To regulate the burial of the dead, and provide for the security and sanctity of the public burying ground or cemetery, and to vacate any old grave yard now existing in said city; provide for the removal of the dead therefrom, and dispose of the ground as they think best; and should they purchase any ground or parcel of land within or without the limits of said city as hereby authorized in their discretion, for a public cemetery and burial place, the limits and jurisdiction of said city are hereby extended over the same, and the same shall not be subject to any State, or county, or other tax:

Twenty-first—To provide for the keeping and return to the council of bills of health and mortality, and to impose penalties on physicians and sextons for any default in this respect; to establish a board of health, and regulate its powers and duties:

Twenty-second—To regulate gauging, the place and manner of weighing and selling hay, of measuring and selling wood, and of measuring, weighing and selling coal, and under the present provisions of the general law, of inspections of salt, beef, pork, and tobacco, flour, and lime; to prohibit the sale of unwholesome provisions or articles of light weight or short measure, and affix the penalties therefor:

Twenty-third—To establish and regulate public pumps, wells, cisterns, reservoirs, and prevent the unnecessary waste of water, nauseous or poisonous substances from being placed therein, or the known or negligent mingling of any impurity with the water:

Twenty-fourth—To prescribe the regulations of the market house or houses established by them, and of the clerk or the master of the same:

Twenty-fifth—To prevent the firing of guns and pistols, squibs, crackers, torpedoes, and other combustibles, or the carrying of ignited substances in said city:

Twenty-sixth—To prevent the sale of obscene books and pictures, squibs, crackers, torpedoes, and similar combustibles in said city:

Twenty-seventh—To purchase fire engines, and organize fire companies:

Twenty-eighth—To erect school houses and seminaries, and maintain schools and institutions of education:

Twenty-ninth—To erect and maintain alms houses, hospitals, and asylums for the relief of the poor and afflicted:

Thirtieth—To erect and maintain a watch house and a jail for the use of the city:

Thirty-first—To erect, rent, or purchase and maintain a council house, a work house or house of correction, and a house of refuge for juvenile offenders and females in said city; to regulate the con-

struction of chimneys, fire places, stoves, and hearths, so as to guard against damages by fire.

PENALTIES.

SEC. 50. The mayor and council may enforce obedience to all by-laws, ordinances, and police regulations, and prevent their violation by adequate penalties, not exceeding one hundred dollars as the fine or penalty for any one offence.

REMEDY TO RECOVER THE PENALTY.

SEC. 51. All penalties and fines under the by-laws, ordinances, and police regulations of the city shall be prosecuted and recovered in an action of debt in the name of the city of Jeffersonville, against the offender, before the recorder of said city, or any justice of the peace of Jeffersonville township, with the same costs as in other similar actions before justices of the peace.

SEC. 52. Justices of the peace in Jeffersonville township shall have concurrent jurisdiction with the recorder of said city, under the ordinances, by-laws, and regulations of the mayor and council of said city as in other actions of debt, and a change of venue may be had from each to the other, under the same provisions as a change of venue from one justice to another in the same township, whether the writ on which the change is sought arises under the ordinances of the city or the general laws of the State; but in case of a vacancy of the office of recorder, all prosecutions and suits under the ordinances of the city shall be instituted before a justice of said township; and the jurisdiction is hereby given to such justices of said township as in other actions of debt not exceeding one hundred dollars.

SEC. 53. It shall be sufficient in all such actions to recover fines and forfeitures under the ordinances, by-laws, and regulations of said city, to declare in debt generally for such penalty and forfeiture, referring to the by-law, ordinance, or regulation under which the penalty or forfeiture is claimed, and referring to the act done or neglected in violation of that ordinance, and to give the special matter in evidence; but in no case shall it be necessary to plead the ordinance or by-law at length, or in substance, as a private act, nor describe the violation with technical precision; and the defendant in like manner may plead the general issue to such action, and give all matters of defence in evidence under that issue.

SEC. 54. The verdict of the jury in such suit or prosecution, or judgment of the justice or recorder, shall be that the defendant does owe the plaintiff the fine (stating the sum) or does not owe the fine claimed of him, and the costs shall follow the verdict or judgment as in other cases.

SEC. 55. The first process in all such actions to recover the penalty of any by-law, ordinance, or regulation of said city shall be a

warrant or *capias*, unless the attorney or mayor shall direct a summons, and on the rendition of any judgment for the same, execution of *fieri facias* or a *capias* to take the body of the defendant and commit him to the jail or work house of said city, at the election of the attorney or other city officer, may immediately issue, returnable in thirty days from its date.

SEC. 56. The process in all such actions on penal bonds to the city shall be a summons, and on the rendition of judgment in favor of said city, execution of *fieri facias* may immediately issue, returnable in sixty days from its date; but the mayor or prosecuting attorney may obtain the issuing of a *capias* either for first or final process, by stating under oath that they have good reason to believe and do believe that the defendants are about to leave the State, taking property subject to execution, or that they are intending to defraud the city.

SEC. 57. All fines and forfeitures, and moneys collected on penal or other bonds and judgments for the city, shall be paid over to the treasurer of the city by the officer collecting the same; and fines and penalties under the penal laws of the State shall be applied and paid over to the use of the county seminary of Clark county, under the general laws of the State.

SEC. 58. The marshal or other officer executing the *capias* after judgment, provided in section fifty-five, if the defendant neglects or refuses to pay the amount of such execution, shall take him into custody, and place him in the jail or work house of said city, to remain until the amount of such fine and all costs shall be exhausted, at the rate of fifty cents for each day's imprisonment, except Sundays, and the keeper of such work house shall place him at hard labor, and if there is no work house, the jailer shall place him or them at labor upon the streets until such fine and costs are exhausted, at the rate of fifty cents per diem; but the city shall in either event furnish suitable food and lodgings to such prisoner; and the mayor or president pro tempore may have the power of directing the release of such prisoner, but execution of *fieri facias* may afterwards issue for any remainder of such judgment unpaid, unless released from the judgment by order of the council.

RECORDER.

SEC. 59. The recorder shall have the same jurisdiction and power in civil and criminal cases as justices of the peace have, where the cause of action or complaint shall have arisen or the defendants or either of them shall be found within said city: He shall have jurisdiction in all cases for the violation of any by-law or ordinances of the council, or in actions on bonds given to the city, where the penal sum does not exceed one hundred dollars, both the penalties and forfeitures under the ordinances and bonds being held as ordinary actions of debt, not exceeding one hundred dollars; and for violation of ordinances or by-laws or suits on penal bonds to the city, he can

issue process to bring offenders and defendants before him from any part of the county of Clark, and he shall issue the proper process as herein provided, and issue such executions and orders on final process as are herein and by law provided; shall keep a fair docket of his proceedings, which shall in all cases have the same force and effect as the docket of justices of the peace, and a certified copy therefrom, under his seal, as recorded, shall be competent evidence in any court in this State, and the parties before him shall be entitled to a trial by jury or to a change of venue, in the same mode and for the same causes as to himself, as before justices of the peace, and appeal shall be granted by him in the same manner as from justices to the circuit court of Clark county; and the recorder, on the election and qualifying of his successor, shall give his docket to his successor in office, who shall have the same authority to issue process, give copies, and enforce judgments, as the successors of justices of the peace have; and if such recorder resigns or removes his residence before the election of his successor, or no poll shall be opened to elect his successor, as provided in section eight of this act, he shall deposit his docket with the clerk for his successor, and in the event of his death, such clerk shall obtain his docket, and hold for his successor, and if no successor is elected as provided in section eight, such docket shall be deposited with the justice designated by such clerk, and the certificate of the justice that he has been designated depository of such docket by the clerk, shall be held as competent and sufficient evidence of the right of such justice to issue any transcript, process, or execution required from the docket of such late recorder; and said recorder shall in all respects be governed by the same laws and removed from office in the same manner as justices of the peace.

DUTIES OF THE MARSHAL.

SEC. 60. The marshal shall serve all process issued from the recorder or justices of the peace of Jeffersonville under the ordinances, by-laws, or official bonds of the city, and his power for this purpose shall be co-extensive with the county of Clark: He shall attend all trials before the recorder, where process has not been directed or delivered to a constable or assistant marshal: He shall suppress all riots, disturbances, and disorderly meetings, arrest all felons and other offenders, and bring them before some proper tribunal for trial; he shall act as peace and police officer of said city, and command all necessary assistance; he shall act as principal watchman and captain of the watch by day or night; he shall arrest all drunkards and intoxicated persons, disturbers of the peace, street walkers, [vagrants,] gamblers, and disorderly persons, but shall not detain them in custody in the day time, except Sunday, without trial: He may serve all processes from the recorder, and any process directed or delivered to him by any justice of the peace of Jeffersonville township, within the limits of said city: The marshal shall attend all meetings of the mayor and council, serve all notices and summonses required by

them, or to notify any of the councilmen to attend a special meeting; attend to the publishing or posting up of all notices for city elections; attend all such elections, with his assistants or watchmen, and direct the proper number and persons to the polls of each ward; require additional assistance, and under the mayor act as chief officer of the police and captain of the watch.

GENERAL PROVISIONS.

SEC. 61. No person shall be incompetent to be a witness or juror in suits for a violation of any by-laws, ordinances, or decrees of the council because such person may be a citizen of Jeffersonville.

SEC. 62. Nothing in this act or the laws of the State shall prevent the mayor and council of Jeffersonville from appointing the clerk to any one or more subordinate offices designated in section ten of this act, or to employ him in any other duty as committee or otherwise, nor from appointing the same person to more than one office or appointment designated in section ten of this act.

TAXES—PROPERTY LIABLE.

SEC. 63. The mayor and council shall have power to assess annually against each male inhabitant and resident of said city of twenty-one and not over fifty years of age, sane, and not a pauper, a poll tax not exceeding fifty cents, and upon all property, real and personal estate, within the limits of said city, subject to the exceptions designated in section five, chapter twelve, of the Revised Statutes of 1843 of this State, a tax not exceeding one-half of one per centum on the full, fair value of the same.

SEC. 64. The term "real estate" in the preceding section shall be construed to include all lots, blocks, parts of lots or blocks of ground and parcels of land, held, by deed, or bond, or certificate of sale for taxes, and whenever a person is in possession claiming ownership within the city, and all buildings and other improvements thereon, and appurtenances and privileges belonging to the same.

SEC. 65. The term "personal estate" in section sixty-three, preceding the last, shall be construed to include all household furniture, goods, chattels, any moneys, steam or other vessels, boats, or water craft, or interest therein, whether within the limits of said city, this State, or elsewhere, owned in said city, all moneys at interest owing to the persons to be taxed, whether the debtors are within or without this State, and more than they pay interest for, and all debts owing to them from solvent persons, whether within or without this State, more than they are indebted for, all public stocks, stocks in turnpikes, bridges, insurance companies, and moneyed corporations, and such portions of the capital of incorporated companies liable to taxation on their capital as shall not be invested in real estate: The owner or holder of stock in any incorporated company liable to taxation on its capital shall not be taxed as an individual for such stock,

nor the property of a revolutionary soldier or pensioner of the United States, real or personal.

ASSESSMENT.

SEC. 66. The city council shall on or before the stated meeting in July in each year determine the amount to be assessed on real and personal estate in said city as described in sections sixty-four and sixty-five, and thereupon the clerk shall make and deliver to the assessor a copy of the assessment roll of the previous year, together with a precept under the seal of said city, commanding him in the name of the mayor and council of Jeffersonville, on or before the first Monday of August then following, to make and return to said mayor and council a complete list of all persons liable to poll tax as aforesaid, and all real and personal estate described in sections sixty-four and sixty-five of this act referring to the same, liable to be assessed and taxed under this act, and the order of the mayor and council, with the names of the owners, so far as he can ascertain the same; if not, by designating the ownership as unknown, and a just and fair valuation of all such property, designating the names of all persons and owners resident in the city liable to such tax, and then the non-resident owners, each in alphabetical order, and every such assessment shall be made or taken as of the first Monday in June of each year, from which time the said taxes shall be a lien on all such property and a charge on the owners of the same; and the assessor shall return such assessment to the clerk on or before the first Monday in August annually.

SEC. 67. Said council, when such assessment shall be returned, shall, at the regular meeting in August, or at a special meeting immediately thereafter, determine the amount that shall be assessed on each poll, and per centum on such real and personal estate, but they may correct any mistakes, or incorrect valuation, or place other property in the assessment roll if, on satisfactory examination, they find such mistake or error; and such mayor and council are hereby authorized, and the assessor is hereby authorized and directed, if, while making the assessment under the preceding section he does not obtain full and satisfactory knowledge and information of the value and proper estimate of all such real and personal estate of every kind and description, to administer an oath or affirmation to every such tax payer and owner of the said property as he does not obtain full and satisfactory information from, or has any reason to doubt such information, that said tax payer or owner under such oath or affirmation shall fully disclose the amount of all and such description of his real and personal estate as defined in sections sixty-four and sixty-five of this act, and he may interrogate such person under oath, so as to be fully informed of the correct amount and value; and if any such person liable for taxes on such real or personal estate refuses to take such oath or affirmation, or to answer all questions not involving his private business, such assessor shall place

double the estimate on all such property, real and personal, described in said sections, as he can from all the means of judging in his possession, consider the full value of all such property, and said council, in correcting any error, shall be guided by the same rules.

SEC. 68. When the assessment roll aforesaid shall be approved by the council, the clerk shall forthwith make and deliver to the collector a duplicate list of the persons, resident, and non-resident, or unknown owners, separate, and the amount of tax due from each for the current year, and of the delinquent tax for the preceding years, chargeable against such person, distinguishing the poll, property tax, delinquent tax, and sum total in separate columns, and giving a concise description of such property, together with a precept under the seal of the city, commanding said collector, in the name of the city council of Jeffersonville, to collect the taxes charged in such assessment roll according to law and the provisions of this act, and that he pay over to the treasurer of said city all moneys so collected and return such precept and assessment roll to the clerk of the council, on or before the first Monday of December then next, unless such return day be extended by order of the board of mayor and council.

COLLECTION OF TAXES.

SEC. 69. The collector shall, on or before the first Monday of October, demand payment of such persons charged therewith respectively, at their usual place of residence or otherwise in person, if residents of said city, unless he receives payment without, and shall give notice by advertising in some public newspaper, if printed in said city, if not, by posting such notice in five of the most public places in said city, of the days, not less than six, when he will attend at the office of the clerk to receive the same, and shall receipt for all taxes received by him, specifying the year or years, property taxed, and amount of such tax.

SEC. 70. If any tax shall not be paid on or before the first Monday of November in each year, the collector shall proceed to collect the same by distress and sale of such of the goods, chattels, and other personal property subject to execution, as he may find and levy upon, belonging to the person assessed, or found by him upon the lots, blocks, and parcels of ground as may be necessary to pay said tax and all costs, by giving ten days' previous notice of the time and place of such sale, by written or printed advertisements, posted in four of the most public places in said city.

SEC. 71. In all cases where the goods, chattels, and other personal property, cannot be found by such collector, belonging to the person delinquent, or on the lot, lots, or fractional parts, or blocks assessed and unpaid on such first Monday of November annually, the collector shall immediately proceed to levy upon and advertise the same for sale, by giving notice of the time and place of such sale in some weekly newspaper in Clark county, and by posting up the same at the post office and clerk's office, and three other public places in

the city of Jeffersonville, for three weeks successively previous to such sale, with a concise description of such lot, lots, fractional parts, or blocks, the designation of the owner or owners in the assessment roll, and add, according to his information or belief, any other or further designation of such owner in such notice, and shall file a copy of the same with the clerk, certified by him to have been published as herein required.

SEC. 72. The collector shall on the day of sale and between the proper hours, proceed to offer such lot, lots, fractional parts, blocks, or parcels of ground at the proper place, by public outcry, to any person who will take the smallest amount of such property and pay such tax and costs, naming the amount, designating, in his discretion as most beneficial to the owner, from what part of such property, and in what form binding, on a street, if possible, such smaller or fractional portion shall be taken, and if no person shall bid any less part, shall sell the whole to pay said tax, but if more than one lot, or parts of two or more lots or parcels of ground shall be assessed to one person or corporation, may, in his discretion offer first one lot, fractional lot, or less part thereof, to pay all the taxes of such person or owner unpaid, and if such lot shall not bring the full amount of the taxes unpaid, shall sell the other lots or fractional lots of such owner successively in the same mode, to the full amount of such balance and costs remaining unpaid; and the collector shall give the purchaser at such sale a certificate, stating the day and place of sale, the amount, and a concise description of the property sold, that the offer was made for any bidder to take a smaller amount of such property and pay the tax and costs, but [that] the purchaser was the best bidder, the amount paid by such purchaser, and that he is entitled to fifty per centum per annum increase thereon, and a deed in fee of the property at the expiration of two years from the day of sale, unless the same shall be redeemed, which certificate shall entitle the purchaser or holder of such certificate, or his representatives, to the amount of the purchase money and such fifty per centum, and a deed in fee at said time, unless the owner of such property, or some one for him, shall redeem the same within two years from said day of sale, by paying such purchaser, his representatives, or assigns, or depositing with the clerk of the mayor and council the amount of such purchase money, and fifty per centum per annum increase of interest thereof.

SEC. 73. All sales for taxes street improvements, or [as] authorized by sections seventy, seventy-one, eighty-two, eighty-three, and eighty-four of this act shall be made at the door of the clerk's office or council room in said city, between the hours of ten o'clock, A. M., and four o'clock, P. M., of the day of sale, but may be adjourned, if such sales are not completed, from day to day, between the same hours, Sundays excepted.

SEC. 74. In case neither the owner of the lots, lot, or fractional part, as described in section seventy-two, nor any one for him, redeem the same as therein described, the legal holder of such certificate may, at and after the expiration of two years from the day of

sale, demand a deed from the collector then in office by tendering such certificate, and the collector in office, when such demand and tender is made, shall receive such certificate, and immediately execute, acknowledge, and deliver to such holder entitled thereto, a conveyance by indenture, in fee as such collector, of the property and real estate described in such certificate, reciting the facts therein stated according to section seventy-two, and the failure to redeem, the demand of the deed, and receipt of the certificate, and such conveyance shall vest all the title of the legal owner of such real estate on the day of sale, free from any incumbrances, except the lien for taxes, after that day, and having such two years and such conveyance and deed shall be prima facie evidence in all courts of this State, that the property was liable for the tax for which it was sold, the regularity of the assessment, assessment roll, and the authority of the assessor returning it, and of all proceedings by him, the mayor and council, clerk, collector, and of the correctness of other facts stated in the certificate of sale and purchase, of the authority of the person signing himself as collector to the certificate, and the person executing the deed as collector to execute such papers, and other proceeding prior to such deed.

SEC. 75. The rights of minors, feme coverts, and insane persons, owners of the fee in such real estate sold for general or special tax or assessment, to redeem the same, shall be saved during two years from the expiration of two years from the day of sale, or four years from such day, and they, their guardians, or other person for them, may redeem the same during that period, by paying the additional and continued increase of fifty per centum per annum on the purchase money from the day of sale to the person designated in section seventy-two, and the holder of such certificate, or collector in office knowing of such disability, shall not demand such deed, and withhold the same for that period, and the same, if given, shall not prevent the redemption herein provided, but enure as a valid deed, as provided in section seventy-four, on the expiration of such time, but non-residence in the State shall constitute no disability, and if for any cause the deed authorized in the preceding section shall be declared or considered invalid, the amount of purchase money in the certificate, or given at the sale, shall continue a valid lien on such estate, with the continued increase of fifty per centum per annum from the day of sale, and may be enforced by bill in chancery in the circuit court of Clark county.

SEC. 76. No mistake or error in the designation of the owner of any taxable property in the assessment roll or assessment for any street or other improvements provided for in the succeeding sections nor the death of any owner before the sale or before the deed is given, shall vitiate any sale for general or special taxes, street or other improvements.

SPECIAL TAXES.

SEC. 77. Whenever two-thirds of the owners resident in said city of the lots, or parts of lots fronting on both sides of any street, lane, or alley in said city, or any part thereof, not less than the extent of one square or block fronting on the same, or on one side of Front or Water street, and the public landing, not less than the same extent, shall petition the mayor and council, in writing, to grade, gravel, pave, or McAdamize, all, either, or any two or more of such improvements, as may be set forth in such petition such street, lane, or alley, or part thereof, the mayor and council are hereby authorized and empowered, if they deem such improvement in their discretion beneficial, to order and cause the same to be done, in such manner and upon such grades, with such culverts, drains, and sewers as they may deem most advantageous to the city, and conducive to the health of the citizens, but in making any such improvement on Front or Water street opposite the public landing, the same or similar improvement shall be made of the public landing of said improved street, at the same time and at the expense of the corporation, and to direct the mayor, or other officer, or any committee, to place the same under contract in an advantageous manner, in part or whole in the exercise of their own sound discretion, having the whole work completed without unreasonable delay, at the cost and charge of the owners of the lots and parts of lots fronting thereon, as described in the succeeding sections.

SEC. 78. The person in actual possession of any lots, lot, or parts of the same, designated in the preceding section, claiming ownership thereof, and where there is no actual possession, the person having paid the last corporation tax thereon, and where no such tax has been paid, although assessed thereon, and where two or more have paid such tax on the same property, the person signing such petition, to whom such tax has been last assessed, or having paid such tax, shall be held to have the right to petition, and considered the owner for the purposes required by such petition, under the preceding section; and the ownership of non-petitioners resident in said city, shall be determined by actual possession, claiming such ownership, the payment of the last corporation tax, or the assessment, if not paid of the same, and if double listed to be estimated but once, and the estimate of two-thirds and of one-third shall be made by the number of feet owned by each fronting on the street, lane, or alley to be improved.

SEC. 79. Whenever any contract shall have been made under the authority described in section seventy-seven to improve such street, lane, or alley, the consideration therefor and price of the work shall be a lien on all the lots and parts of lots fronting on such improvement, but each owner may make such improvement and perform such work in front of the number of feet owned by him, if on one side, to the middle line of the street, lane, or alley, if on both sides, the whole breadth of the same, if he shall give notice to the mayor

and council, and officer contracting for the work, that he will do so, before any contract shall be made for the same, and he shall complete his share before the work under the contract with the city shall be completed, and the work of such owner shall be at all times conducted under the direction of the officers of the mayor and council, or if he neglect or improperly perform such work, the same shall be taken in charge and completed by such officer, and under his direction, and such owner shall be assessed for the number of feet owned by him in the cost of the whole work, including the cost of completing the work neglected or improperly performed by him, under the pro rata assessment provided in the next section.

SEC. 80. Upon the completion of the work aforesaid, the mayor or superintendent of the same shall report the total cost of such work, including any cost of completing the share of any negligent owner, and excepting in improvements on front street, at the public landing, and commons, one-half of the cost of the improvement of such street to the mayor or president and council, and they shall immediately proceed to assess the same in a pro rata assessment on the number of feet on each and both sides of such improved street, lane, or alley, except on Front street on one side, and excepting therefrom the number of feet owned by each individual completing such improvement in front of his property, and to such extent only as the same is completed, and apportion to the corporation their share for the intersection of streets, lanes, and alleys, and then assess against each individual owner of the remainder, and the lots, lot, or part thereof owned by them, concisely describing them, their several share according to the number of feet owned by each, fronting on each street, lane, or alley, which assessment shall be entered of record, on the records of the city, and signed by the mayor or president pro tempore, and attested by the clerk, and shall continue a specific lien on all such lots, lot, and parts of the same.

SEC. 81. If such owner shall not, within one month after such entry of record, pay and satisfy such amount assessed to him and against such property, the clerk shall make out a certified copy of such assessments from the records of the city, and deliver the same to the collector, and issue a precept commanding said collector in the name of the council of the City of Jeffersonville, forthwith to collect the amount due by such assessment, by levy, distress, and sale of the several lots and parts of lots described in such assessment, and of the goods, chattels and other personal property found thereon, of the owner thereof, in the same manner as real and personal estate are sold for the corporation taxes under the general assessment, except that such collector may levy upon and sell the real estate described in such assessment without reference to the personal estate thereon, and to pay over all money collected to the treasurer, and return the precept and assessment to the clerk, within forty days from the date, unless the period of return is extended by order of the council.

SEC. 82. The certified copy of assessment shall have the same force as the assessment roll of taxes, and the collector shall forthwith give public notice for one week by notices posted up in five of the most public places in said city, of his demand of such assessment from the several owners, and that on the Monday of the ensuing week he will attend at the clerk's office to receive such assessment, but if the same is not paid on such day he shall proceed forthwith to levy upon and sell the said property in the same manner, and his proceedings shall have the same validity, and the purchaser shall obtain the same right, and the deed under such sale have the same force and legal evidence as in sales of real estate for taxes described in the preceding sections.

SEC. 83. Said council shall, in the exercise of a sound discretion, whenever they deem it necessary, or beneficial to said city and citizens, have the power and authority, and they are hereby empowered to place curb-stones, grade, or pave, or both, gutters and side-walks in front of lots and parts of lots on any square or block or part thereof, either to complete such improvement where made in part or to construct such work entirely, causing such side-walks to be not less than ten feet wide, except on the street or alley on the north side of the public square; the side-walk may be not less than three feet, at the expense and cost of the owners of the lots, lot, or parts of the same, fronting on such improvement, and the same lien shall be created, assessment made, collected, lots, parts of lots and blocks sold in the same mode and with the same assurance of title as is provided by this act for special taxes for the improvement of streets, lanes, and alleys.

SEC. 84. When said council shall cause any pool, pond, or receptacle of stagnant water to be filled up or improved as authorized in part eighteen, of section forty-nine, they shall assess the cost of such filling or improvement upon the owners or proprietors of such lots or parts of lots so filled or improved; to be estimated as near as may be by the number of square feet of such fill on each: the ownership of such lot or parts of lots to be determined by the same rules and the recording of such assessment, the levying, collecting and sale of such lot or part of lot, certificate of sale, increase of fifty per centum per annum, validity of deed and right of redemption shall be the same as provided for in reference to special taxes and street improvements. If said city, as she is hereby authorized to do, should become the purchaser of any lot or part of lot at any sale for any tax or assessment for any street improvements, side-walks, or filling ponds as provided for in this act, said city shall be entitled to a deed from the collector of the same validity and the same right of redemption to owners as provided in this act for other purchasers at such sales, and said city shall at such times as in the judgment of the mayor and council will advance the improvement and prosperity of the city, dispose of the same to other proprietor or proprietors.

SEC. 85. The city collector shall be entitled to the same fees for advertising and selling property for taxes and assessments of every kind, and for giving certificates and deeds under such sales as the collector and auditor of Clark county now are.

SEC. 86. All by-laws, ordinances, and police regulations, acts, and contracts of the present town of Jeffersonville, and all rights acquired thereby not repugnant to the constitution and laws of this State and the United States, are hereby continued in full force and enure to the said city of Jeffersonville, subject to the repeal of such by-laws, ordinances, and regulations by the council of the City of Jeffersonville; and all penalties, prosecutions, and suits as are thereby enacted and authorized, may be brought and recovered in the name of the City of Jeffersonville, and all officers of said town are hereby held and constituted officers of said city, subject to the election and appointment herein designated; and all real estate and other property not dedicated to the public use may be sold and disposed of by the direction of the council, and deeds and other conveyances for the same may be made under a resolution of the council by the mayor and president pro tem., and clerk, with the seal of said city affixed by the clerk, and such deeds and conveyances shall be valid to convey all interest of the city in the property described therein.

SEC. 87. Wherever lots in said town of Jeffersonville have heretofore at any time been sold by the trustees thereof, or other delegated authority of said town, and proper deeds conveying the title of said town have not been made therefor, and whenever, from the consolidation and change of plan of said town in 1817 proper deeds have not been executed for the lots given in place of lots previously sold, the mayor or president pro tem., and clerk, may, by direction of the council, execute and deliver all such deeds to the persons entitled thereto, with the seal of the city affixed by the clerk, and thereby vest all the rights of said town and also of said city in the real estate described in such deed, and the acknowledgment of the mayor or president pro tem. shall entitle such deeds to be placed of record in the proper offices.

SEC. 88. Whenever, in the opinion of the city council of said city it may be necessary and conducive to public convenience to open any new street, lane, or alley, either to connect the terminus of one street or the public landing, and the adjacent street or thoroughfare, or to open convenient and necessary avenues through any part of said city to connect or carry out the streets, lanes, and alleys of the same in conformity with the general plan of said city; they shall notify the owner or owners of the ground through which and adjoining which the same will run, by personal notice for one week or written notice posted up in five public places in said city for three weeks, that the several owners jointly select two persons and the city council shall select two persons on the part of the city, to appraise and estimate the value of the ground, buildings, and improvements which will be covered by such street, lane, or alley; and

said arbitrators being first sworn faithfully and impartially to discharge their duty in such estimation and assessments, shall take into consideration all enhanced value of the remaining lot, part of lot or block of such owner, and estimate the enhanced value, if any, to the owners of lots or parts thereof adjacent to such street, lane, or alley, and assess the same against such lot or parts of lots, and if said arbitrators disagree at any time in the progress of their duties, they shall select and call in an umpire, who being first duly sworn shall proceed with the other arbitrators to determine the same; and said arbitrators shall return their award in writing under their hands and seals to the city clerk, who shall record the same in the records of the city, which shall thereupon stand as an assessment and charge against said city, and may be enforced by suit on such award in the Clark circuit court; and the assessment against any owner or lots and parts of lots adjoining such street, lane, or alley, shall, if not paid in one month after the same is placed of record, be enforced by levy and sale by the city collector with period of reception and deed in the same manner and validity as the levy and sale under special taxes for street improvements. And from the return and recording of such award, such street, lane, or alley so provided for shall be established and remain a public highway, and shall be under the control of the council of said city in like manner as other streets, lanes, and alleys.

SEC. 89. This act is declared a public act, and shall be so held in all the courts of this State, and shall be liberally construed.

SEC. 90. This act shall be in force from and after its publication, and all acts for the incorporation of the town of Jeffersonville, and amendments thereto, heretofore passed are hereby repealed, saving the rights acquired and gained by said acts.

CHAPTER LXXVIII.

An act repealing certain acts in relation to the county of Posey.

[APPROVED JANUARY 5, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That an act providing for the loaning of the school fund of Clay and Posey counties, approved January 6, 1845, be and the same is hereby repealed, so far as regards the county of Posey.

SEC. 2. That township number four south, of range number twelve west, in said county of Posey, shall not be affected hereby, but that the funds belonging to said township shall continue to be managed agreeably to the provisions of the above recited act, this act to the contrary notwithstanding.

SEC. 3. That an act vesting the duties of school commissioner in the county treasurer in certain counties, approved January 15, 1844, be and the same is hereby revived in the county of Posey.

SEC. 4. That an act to amend the fifteenth chapter of the Revised Statutes of 1843, and to repeal the eighty-third and ninety-eighth sections of the same, approved January 15, 1844, be and the same is hereby repealed, and that the said sections are revived and declared in full force in the county of Posey.

SEC. 5. This act to take effect and be in force from and after its passage.

CHAPTER LXXIX.

An act transferring the duties of school commissioner in Crawford county to the county treasurer of said county.

[APPROVED JANUARY 14, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That from and after the passage of this act, the county treasurer of the county of Crawford shall do and perform all the duties required by law to be done and performed by the school commissioner of said county; and he is hereby authorized to receive from said school commissioner, or whosoever hands they may be in, all the books, papers, moneys, or effects appertaining or belonging to the office of school commissioner of said county of Crawford.

SEC. 2. The treasurer shall receive for his services in performing the duties required of him by this act, the same compensation as was and now is allowed to the school commissioner, and shall in all

respects be governed by the laws in force in this State regulating the duties of school commissioners.

SEC. 3. The treasurer of Crawford county shall, before he receives the books, papers, moneys, and effects from the said school commissioner, or other person in whose hands the same or any part thereof may be found, (belonging or appertaining to the office of school commissioner aforesaid,) give bond, with at least two freehold securities, in the sum of five thousand dollars, to the acceptance of the county board of said county: The said duties of school commissioner shall be performed by said treasurer, by virtue of his said office of treasurer.

SEC. 4. The office of school commissioner in said county of Crawford is hereby abolished: That this act shall be in force from and after its passage; and it shall be the duty of the Secretary of State to transmit a certified copy of the same to the clerk of the circuit court of said county of Crawford.

CHAPTER LXXX.

An Act to legalize certain acts of the board of commissioners of Clinton county, and for other purposes.

[APPROVED JANUARY 2, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the orders of the board of commissioners of Clinton county, made at their September and December terms thereof, directing the auditor of said county to give notice of the sale of section sixteen, in township twenty-three north, of range two east, to be made on the twenty-ninth day of December, eighteen hundred and forty-six, and the notices made in pursuance of said orders, be and the same are hereby declared to be legal to all intents and purposes.

SEC. 2. This act shall take effect and be in force from and after its passage; and it is hereby made the duty of the Secretary of State to transmit immediately a certified copy of this act to the auditor of Clinton county.

CHAPTER LXXXI.

An Act to repeal an act entitled "An act to authorize the people of Fayette and other counties therein named to elect their seminary trustees," approved January 15, 1846.

[APPROVED JANUARY 2, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the act entitled "An act to authorize the people of Fayette and other counties therein named to elect their seminary trustees," approved January 15, 1846, be and the same is hereby repealed, so far as the same relates to the counties of Union and St. Joseph.

SEC. 2. *Be it further enacted,* That the thirty-fourth section of article two and chapter fourteen of the Revised Laws of 1843, and the thirty-first, thirty-second, and thirty-third sections of the article and chapter last aforesaid, be and the same are hereby revived and in as full force and virtue as if the same had never been repealed.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER LXXXII.

An Act to amend an act entitled "An act for the relief of Ann Faulkower," approved January 15, 1844.

[APPROVED JANUARY 2, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the name of "Faulkower," wherever it occurs in the act to which this is an amendment, be and the same is hereby declared to be a misprint, and that said name, wherever it occurs in said act, shall be understood and is hereby declared to mean Ann Faulkoner.

SEC. 2. This act to be in force from and after its passage.

CHAPTER LXXXIII.

An Act to vacate a part of the town of Milford, in Kosciusko county.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the west half of blocks number three, six, and eleven, and the east half of blocks number two, seven, and ten, of the town of Milford, in the county of Kosciusko, be and the same are hereby vacated.

SEC. 2. This act to be in force from and after its passage.

CHAPTER LXXXIV.

An Act in relation to road tax in the county of Grant.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That there shall be assessed and collected, for the purpose of constructing and repairing roads and highways in the county of Grant, the sum of one and one-fourth cents on each and every acre of land lying and being within the limits of said county of Grant subject to taxation; and on town lots, without the improvements thereon, which are or may hereafter be or become subject to taxation, the sum of fifteen cents on each and every hundred dollars valuation thereof, which shall be in lieu of all taxes on real property for road purposes, which taxes shall be assessed, placed on the tax duplicate, and distributed agreeably to the laws now in force upon that subject, and may be worked out in the road district where the said land and town lots are situated, at the rate of seventy-five cents per day.

SEC. 2. All laws and parts of laws coming within the purview of this act be and the same are hereby repealed.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER LXXXV.

An Act in relation to roads and highways in Putnam county.

[APPROVED JANUARY 14, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That an act entitled "An act providing for opening and repairing roads, and highways, and streams in the counties of Bartholomew, Putnam, Owen, Henry, and Perry," be and the same is hereby repealed, so far as it relates to the county of Putnam.

SEC. 2. That the general laws of the State of Indiana relating to roads and highways are hereby revived and declared to be in full force in said county of Putnam.

SEC. 3. This act to be in force and take effect from and after its passage.

CHAPTER LXXXVI.

An Act for the relief of Elias Murray.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Stearns Fisher, superintendent of the Wabash and Erie canal, be and he is hereby authorized to settle with Elias Murray, and pay to him, in Blue Dog scrip, such amount as he may find to be justly due and owing to him for his services in selecting Blue Dog lands, appraising and reporting same to the canal office at Peru and Delphi: *Provided*, That said sum shall not exceed two hundred and fifty dollars in Blue Dog scrip at par.

SEC. 2. This act to be in force from and after its passage.

CHAPTER LXXXVII.

An Act for the relief of William Taggart and his securities.

[APPROVED JANUARY 18, 1847.]

WHEREAS, At the organization of Brown county, William Taggart was appointed, by an act of the legislature, the first surplus revenue agent for said county, and upon the surplus revenue allotted to said county, received as interest the sum of one hundred and seventy dollars and five cents: AND WHEREAS, At said time there was no school commissioner in said county, and it was the opinion of the board doing county business, and the Treasurer of State, that it was proper and legal, and the duty of said Taggart to pay said interest to the clerk of Brown county, and thereupon said money was paid to said clerk: AND WHEREAS, Also, on account of the illegality of said payment, a judgment on the bond of said surplus revenue agent, against him and his securities was obtained at the March term of the Brown circuit court, 1846, for the sum of two hundred and twenty-eight dollars and seventy-two cents: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the board of commissioners in and for Brown county are hereby authorized and empowered to receipt in full said judgment against said William Taggart, James Taggart, senior, James Taggart, junior, George Grove, and David D. Weddle.

SEC. 2. This act to be in force from and after its passage.

CHAPTER LXXXVIII.

An Act entitled an act to amend "An act to extend the terms of the board doing county business in the county of Tippecanoe," approved January 14, 1846.

[APPROVED JANUARY 2, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the board doing county business in the county of Tippecanoe may, at their June term, sit two weeks if their business require it, at the expense of the county, any laws of this State now in force to the contrary notwithstanding.

SEC. 2. This act to take effect and be in force from and after its passage and publication in the "Lafayette Courier," and "Journal and Free Press."

CHAPTER LXXXIX.

An Act to amend "An act giving the right to the voters of Marion county to decide as to authorizing licenses to retail spirituous liquors in their townships," approved January 19, 1846.

[APPROVED JANUARY 22, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the provisions of "An act giving the right to the voters of Marion county to decide as to authorizing licenses to retail spirituous liquors in their townships," approved January 19, 1846, be and the same are hereby extended to the county of Jennings.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER XC.

An Act to change the name of Eliza Ann Camden to Eliza Ann Sidwell.

[APPROVED JANUARY 22, 1847.]

WHEREAS, It is represented to this General Assembly, by the petition of William Camden, Hugh Sidwell, and Eliza Jane Sidwell, his wife, relative to Eliza Ann Camden, an infant child of said William Camden, by his wife, now deceased, that the said Hugh Sidwell adopts said infant as his own child in law, and that said Hugh Sidwell is desirous of making said infant an heiress at law of his property in every respect, as though she was his own legal issue, and of having the name of said infant changed to Eliza Ann Sidwell: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the name of Eliza Ann Camden, the adopted daughter of Hugh Sidwell, of Washington township, in the county of Decatur, Indiana, be and the same is hereby changed to the name of Eliza Ann Sidwell, and by the said name she shall be known and recognized.

SEC. 2. That the said Hugh Sidwell shall have the custody and control of the person of the said Eliza Ann Sidwell, and the care of her maintenance and education, with all such rights, powers, authority, and duties as if the said Eliza Ann Sidwell was the legal issue of the said Hugh Sidwell.

SEC. 3. That the said Eliza Ann Sidwell is hereby invested as such adopted daughter, with all the rights and privileges of heirship by descent or otherwise which she could have if she was the legal offspring of the said Hugh Sidwell.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER XCI.

An Act to authorize the Governor to issue a patent for a certain tract of canal land.

[APPROVED JANUARY 27, 1847.]

WHEREAS, Richard L. Britton, assignee of Samuel Harris, assignee of Eli Dorsey, did, on the seventh day of February, 1838, pay to the commissioner of the Wabash and Erie canal, at Fort Wayne, the remaining balance due on canal land certificate number seven hundred and forty, for the north half of the south-west quarter of section number twenty-three, township number thirty north, of range number twelve east, as appears by the final certificate of said commissioner, bearing date as above, which said final certificate entitled the said Richard L. Britton to a patent for said tract of land: AND WHEREAS, It appears by the register of patents in the office of Secretary of State, a patent was issued to said Britton on the tenth day of May, 1838, but that said patent was never delivered to said Britton, as appears from the fact that he now holds said final certificate, which would otherwise have been surrendered, and that said patent cannot now be found: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Governor is hereby required to issue a patent to Richard L. Britton, as assignee, in the same manner as if no patent had been issued for said tract of land; and it is hereby made the duty of the Secretary of State to forward said patent to the canal land office, in Peru.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER XCII.

An Act to vacate certain streets and alleys in the town of Noblesville, in Hamilton county.

[APPROVED JANUARY 14, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the streets and alleys in the town of Noblesville, in Hamilton county, as divide the lots purchased by the commissioners of Hamilton county, for the purpose of erecting a seminary thereon, be and the same are hereby vacated.

SEC. 2. This act shall be in force from and after its passage and the filing a copy thereof with the clerk of the county court of said county.

CHAPTER XCIII.

An Act to incorporate the Christian Church, on White river, in Stony Creek township, Randolph county, Indiana.

[APPROVED JANUARY 18, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Jacob Driver, Carey Bradfield, and Jonathan Thornburgh, of the county of Randolph, and their successors in office, are hereby constituted a body politic and corporate, and shall be known by the name and style of "The Christian Church, on White River, in Randolph County," and by said corporate name may sue and be sued, plead and be impleaded, in any court in this State, and by that name have perpetual succession, and they shall in law, in said corporate name, be capable of purchasing and holding, bargaining and selling, any property, real or personal, for the use of said church, whether by legal or equitable title not to exceed in value the amount of five thousand dollars in personal property or in real estate the amount of five thousand acres.

SEC. 2. They shall be further empowered to receive all and singular any subscriptions, gifts, grants, donations, and bequests designed for the benefit of said church, which shall be held and solely applied to the use and benefit of said church in the manner in which said trustees shall deem the most judicious and expedient.

SEC. 3. It shall be lawful for the trustees of said church to hold meetings at such times and places, and as often as it may suit them, or as their business may require, to sit on adjournments, on the call

of the proper officers, or one of their body, and to elect or appoint such officers and establish such rules or by-laws for their government as they or a majority of them may see fit: *Provided*, That such rules or by-laws shall not be incompatible with the constitution or laws of this State or the United States.

SEC. 4. It shall be lawful for the members of said church to perpetuate the board of trustees by annual appointment, or in any way they may think proper, and also fill vacancies which may in any way occur; and the trustees at any time chosen shall hold their office for one year and until their successors are chosen or appointed; they shall keep a record of their proceedings, which shall be open to the inspection of all persons concerned.

SEC. 5. The election of said trustees is hereby legalized, and all their acts are hereby declared valid in law to all intents and purposes, in the same manner as they would have been had they complied with the statute in such cases made and provided, and all property now held by said church, either by legal or equitable title, or designed for the benefit thereof, whether acquired by purchase, subscription, gift, bequest, or donation, is hereby vested in the board of trustees herein created, and their successors, for the benefit of said church, the same as though said property had been acquired under the provisions of this act.

SEC. 6. This act shall take effect and be in force from and after its passage.

CHAPTER XCII.

An Act regulating the sale of ardent spirits in Randolph county.

[APPROVED JANUARY 28, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the inspectors and judges of elections in the several townships in said county, at the annual election in April next, to open a poll in which shall be entered all the votes given for or against licenses to retail spirituous liquors.

SEC. 2. Every qualified voter of said county may, if he choose, at said election, vote for or against license to vend spirituous liquors.

SEC. 3. If such voter shall be in favor of such license, he shall write or print, or partly write and partly print, on the same ballot with which he votes for township officers, the words "For licenses;" if against such license, he shall in the same manner have the words "Against licenses."

SEC. 4. It is hereby made the duty of the inspectors and judges of the several townships in said county to certify the votes given at

such election for or against such licenses to the clerk of the circuit court of said county.

SEC. 5. In each township in said county in which there shall be a majority of the votes cast on the subject of licenses against such licenses at said election, it shall be the duty of the board of commissioners of said county to refuse to grant licenses to any person or persons to retail spirituous liquors.

SEC. 6. Any person or persons who shall sell any spirituous liquors, in any quantity, in any township in said county in which a majority of the voters of such township shall have decided against licenses as aforesaid, such offender or offenders shall be fined, on conviction in the circuit court of said county, any sum not less than five nor more than fifty dollars: *Provided, however*, That this act shall not be so construed as to prevent the sale of any spirituous liquors for medicinal or mechanical purposes.

SEC. 7. This act to be in force from and after its passage; and all laws coming in conflict with this act be and the same are hereby repealed.

CHAPTER XCV.

An Act to reduce the expenses of Floyd county.

[APPROVED JANUARY 18, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter the treasurer of the county of Floyd shall receive as his compensation for collecting and disbursing the county revenue of said county, including road and school tax, the sum of two hundred dollars per annum.

SEC. 2. That the auditor of Floyd county shall receive as his compensation for the services he may perform as such, the sum of three hundred and fifty dollars per annum, and no more, to be allowed him by the board doing county business for said county, in quarterly allowances.

SEC. 3. All fees and charges allowed to him heretofore are hereby abolished as to said county: *Provided*, That nothing in this act contained shall be so construed as in any way to affect the perquisites of said office so far as the same are paid by individuals.

SEC. 4. That it shall not be lawful for the board doing county business for said county hereafter to allow the clerk and sheriff thereof more than seventy dollars each per annum for extra services by them performed.

SEC. 5. That the board doing county business for said county shall hereafter allow the assessor thereof any sum not exceeding one dollar and twenty-five cents per day for services by him performed.

SEC. 6. That all acts and parts of acts coming within the purview of this act be and the same are hereby repealed.

SEC. 7. This act shall take effect and be in force from and after the first day of June next.

CHAPTER XCVI.

An Act for the improvement of the breed of horses, jackasses, and mules, in the counties of Blackford and Kosciusko.

[APPROVED JANUARY 18, 1847.]

WHEREAS, Great inconvenience is suffered by the citizens of Blackford and Kosciusko counties in consequence of the great number of inferior stallions that are let to mares in said counties: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That every person before he be entitled to let either a stallion or jack to mares in said counties, for a valuable consideration, shall procure a license therefor, as licenses for the vending foreign goods and groceries are procured.

SEC. 2. The boards doing county business in said counties of Blackford and Kosciusko are hereby authorized to grant licenses to keep and let to mares in said counties stallions and jacks, upon payment of the sum of ten dollars into the county treasury of said counties, for each license so granted.

SEC. 3. That every person who shall let a stallion or jack to any mare in said counties without a license, as in the first and second sections of this act provided, shall be fined in any sum not exceeding fifty dollars, by presentment or indictment in the circuit court of said counties.

SEC. 4. Such fines, when assessed and collected as aforesaid, shall be paid into the county treasury as seminary funds of said counties.

SEC. 5. This act to be in force from and after its passage.

CHAPTER XCVII.

An Act to incorporate the town of Mount Vernon.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That Thomas Newman, Noble Craig, Fielden N. Mills, Walter F. Larkin, and Thomas F. Prosser be and they are hereby appointed trustees of the corporation of the town of Mount Vernon, in the county of Posey, and State of Indiana, to serve as such until the second Monday in October, one thousand eight hundred and forty-seven, and until their successors are elected and qualified as hereinafter directed.

SEC. 2. That said trustees shall elect a president from their own body, whose duty it shall be to preside at all meetings of the board, preserve order, put all questions, and upon an equal division of the board give the casting vote; and the said trustees shall also appoint all officers necessary to carry into effect the provisions of this act, and make such compensation as to them shall appear reasonable and right.

SEC. 3. That the said president and trustees of said town, and their successors in office, shall be and the same are hereby declared to be a body politic and corporate, with perpetual succession, by the name and style of "The President and Trustees of the Town of Mount Vernon," and by that name and style shall be able and capable in law and equity to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in any court of competent jurisdiction; and shall have power to make, use, and have a common seal, and the same to break, alter, amend, and renew at pleasure; to ordain, order, establish, and put into execution, and effect such by-laws, rules, regulations, and ordinances as they shall deem necessary and proper for the benefit and convenience of the citizens of said incorporated town; and shall also have power to adopt and put in force such laws, ordinances, and regulations as they shall deem necessary for the police, and good government, and order of said town hereby incorporated, subject, however, to the restrictions, limitations, and provisions hereinafter provided, and not inconsistent with the constitution and laws of this State or of the United States.

SEC. 4. That the said president and trustees, or a majority of them, shall have power to lay off said town into as many wards as they shall deem necessary, and on the second Monday in October, 1847, and annually thereafter, there shall be an election at the court house, or some convenient place in said town, to be designated by the said president and trustees, to elect by ballot five trustees for said corporation, at which election each white male inhabitant of said town who shall have the qualifications of a voter for State and county officers, and shall have resided within the bounds of the said

corporation six months next preceding said election, shall be entitled to vote at the same; ten days' previous notice of which election shall be given by the president and trustees aforesaid by publishing the same in some newspaper printed in said town, if there be one, otherwise by putting up written notices thereof in three of the most public places in said town, designating the time and place when and where such elections are to be held.

SEC. 5. The president and trustees, at their meeting preceding the annual elections, shall appoint an inspector of all elections, whose duty it shall be to attend the same, and call to his assistance two other qualified voters, who shall be judges of said election, and they shall appoint two clerks of the same, all of whom, after taking an oath or affirmation, which oath or affirmation may be administered by said inspector to said judges and clerks, and by one of said judges to said inspector, faithfully to discharge their respective duties, shall proceed to receive votes between the hours of ten o'clock, A. M., and four o'clock, P. M., on said day: The judges shall determine the legal qualifications of voters, for which purpose the inspector may administer to the voter the necessary oath: If the said inspector shall not be present at the proper time of opening such election the electors may choose one to act in his place; or if the electors fail to meet, the corporation shall not thereby be dissolved, but the president and trustees then in office shall continue until others, their successors, shall be elected at an annual meeting of the electors.

SEC. 6. It shall be the duty of the inspector and judges of such election to certify under their hands and seals the five persons who receive the highest number of votes, which certificate shall be filed and kept on record by the clerk of the corporation, whose duty it shall be to deliver a copy thereof to each of the five persons elected, which certificate shall be sufficient authority for such person to take his seat as a trustee: In case there should be a tie between any persons at said elections, the result shall be determined by lot, to be drawn by the judges: The trustees elected as above directed, or a majority of them, shall meet within ten days after such election, and after taking an oath or affirmation faithfully, diligently, and impartially to discharge their duties as trustees, shall elect one of their body to preside, as in the second section of this act; in case of his absence at any meeting of the board, they shall appoint a president pro tempore: No person shall be eligible as a trustee unless he is a qualified elector, and also a freeholder and householder within the bounds of the corporation: When vacancies happen by death, resignation, refusal to serve, or otherwise, such vacancies shall be filled by appointment of the trustees, until the next annual election: A majority of the trustees, including the president, shall at all times form a quorum; they shall meet on their own adjournments, and appoint their officers as in the second section of this act.

SEC. 7. It shall be the duty of the president to sign all laws, ordinances, and decrees of a public nature, and also to sign the records of all their by-laws, and journals or minutes of their proceedings;

and at the first meeting of the president and trustees after each annual election, or as soon thereafter as may be convenient, they shall proceed to elect or appoint a clerk, a treasurer, and a marshal, each of whom shall serve one year (unless sooner removed) or until their successors shall be chosen and qualified; and they shall take a similar oath, and give bond and security, payable to the president and trustees, conditioned for the faithful discharge of their duties respectively, and on failure to perform all or any of the conditions of said bond, they and their securities shall be liable to the suit of the president and trustees aforesaid, who may assign breaches upon the conditions of said bond or other cause, and recover a judgment for any default in the discharge of the duties of such officer, together with full costs, and ten per centum damages thereon, in any court having jurisdiction of the same, and on which judgment there shall be no stay of execution.

SEC. 8. The president and trustees shall have power to levy and collect annually, of each male inhabitant of the town who shall be twenty-one years of age, and not a pauper, a poll tax not exceeding one dollar, and on real property a tax not exceeding one per centum on its valuation, exclusive of or one-third of one per centum inclusive of improvements, at the discretion of the president and trustees; and may also levy a tax, not exceeding one-third of one per centum, upon all personal property; and in addition to the above, they may levy a tax on real property, not exceeding one-half per centum on the valuation, either including or excluding improvements, at their discretion, for the purpose of purchasing a fire engine.

SEC. 9. The president and trustees shall have power to pass such laws, ordinances, and decrees as may be necessary to guard against damage by fire; to organize fire companies, and govern the same; to establish and regulate market houses and markets; to establish the grade of streets; to construct wharves, and to regulate the manner of payment and collection of wharfage; to improve and keep in repair and remove any obstructions in the streets, alleys, public squares, and commons in said town; to prevent the erection of public nuisances, and to remove the same; to declare what shall be considered a public nuisance; and generally to enforce by proper penalties the observance of all laws and ordinances relative to the police and government of the said incorporated town.

SEC. 10. The president and trustees shall have power to grant a license to persons wishing to exhibit for gain in said town, or within one-half mile of the limits thereof, any animal, wax figure, or other natural or artificial curiosity, or any feats of horsemanship, circus riding, tumbling, vaulting, rope or wire dancing, legerdemain, ventriloquism, or other amusement, upon their paying to the treasurer of the town a sum not less than two nor more than twenty dollars for each exhibition of such shows; and if any person shall, without having first obtained such a license from the president and trustees, exhibit any such show or performance for gain as aforesaid, in the town or within one-half mile from the limits of the same, such person

shall forfeit and pay a penalty of not less than ten nor more than fifty dollars for any such violation, for the benefit of the town, to be recovered by action of debt.

SEC. 11. The powers of the corporation for the purpose of raising a revenue by taxation, shall extend to the limits of the town plat as the same is recorded in the recorder's office of Posey county, and to the limits of all the additional plats which have or may hereafter be laid off of town lots adjoining thereto; and the said corporation may extend its jurisdiction, for the purpose of removing nuisances and to carry into full and complete effect its laws and ordinances, one full half mile beyond the limits aforesaid: All public ground which lies between the plat or plats of said town and the Ohio river is hereby attached to and made a part of said town, for the purpose of taxation, improvement or otherwise, and shall forever be and remain under the jurisdiction and control of said corporation; and said corporation is hereby authorized and empowered to exercise full and ample jurisdiction over all streets and alleys, and on the landing or margin of the river, and to the very lowest water mark thereof; to erect a wharf or wharves, and to regulate the same; and may pass an ordinance requiring all persons selling or retailing foreign merchandise at the landing of said river, to pay to the marshal, for the benefit of said corporation, such sum for such time as they may deem right and proper, and the marshal's receipt therefor shall be sufficient authority for the person procuring the same to vend foreign merchandise accordingly.

SEC. 12. The president and trustees shall once a year appoint a lister, who shall take an oath of office, and give bond and security, to be approved of by the said president and trustees, conditioned for the faithful discharge of his duties as lister; after which he shall proceed forthwith to make a fair list, in alphabetical order, of all persons subject to tax, together with such property as the president and trustees may direct him to list; also of all lots or fractional lots, particularly noting the number and description thereof, the owner's name, if known, and whether resident or non-resident: After having completed such assessment, he shall call to his assistance two freeholders, who having been sworn faithfully to value the property so listed, shall with the lister proceed to value the same; and such lister shall, on or before the first day of January next succeeding, make return to the clerk of the corporation of such list and assessment.

SEC. 13. The president and trustees shall in the month of January in each year, levy a tax on the property so listed and returned by the lister, and appoint a marshal, who shall take an oath and give bond and security, to be approved of by the president and trustees, conditioned that he will faithfully pay over all moneys that may come into his hands as marshal, to the treasurer of the corporation, or to such person as may be authorized to receive the same: Said marshal shall hold his office one year, unless sooner removed.

SEC. 14. The president and trustees shall cause the clerk to make out a fair list of all persons taxable with personal property

and with real property, with its valuation, setting forth the owner's name, if known, the amount of tax chargeable to each person, and shall deliver the same to the marshal on or before the first day of March, annually, and certify the amount of tax contained in such list to the treasurer: Such list, so put into the hands of the marshal, certified by the president, and attested by the clerk, shall be sufficient authority for the marshal to collect the same.

SEC. 15. It shall be the duty of the marshal to receive the amount of taxes due from each individual on or before the first day of June in each year, and to account and pay the same over to the treasurer immediately, and in all cases where the taxes assessed are not paid by that time by any individual, it shall be the duty of the marshal to proceed and collect the same by distress and sale of any of the personal property of such delinquent subject to execution by the laws of this State, by giving ten days' notice of the time and place of such sale, by setting up three advertisements in public places.

SEC. 16. In all cases where the tax due and owing cannot be made of the goods and chattels of such delinquent, it shall be the duty of the marshal to make sale of the lots or fractions of lots belonging to such person, or so much thereof as will pay the tax and costs due thereon, by giving four weeks' notice of the time and place of such sale in some weekly newspaper published in said town or county, or by posting up five written notices in the most public places in said town, in which notices he shall describe the lot or lots to be sold by their proper number, or some other certain description, with the owner's name, if known, or the person's name to whom it is supposed to belong, and file one of said advertisements with the clerk of said corporation, to be filed by him among the records of said corporation: The marshal shall on the day of sale, by proclamation, proceed to sell the lot or lots to the highest bidder, or to the person who will pay the tax and costs due, for the smallest portion of the lot or lots so offered for sale, and shall give to each purchaser a certificate of such purchase, setting forth the quantity sold, the amount paid, including tax and costs, and that said purchaser will be entitled to receive a deed for the same at the end of two years, unless the owner, or some person for him, her, or them shall redeem the same on or before that time, by paying to said purchaser, his, her, or their heirs or assigns the amount of the purchase money, with fifty per centum thereon, or deposit the amount with the clerk of the corporation.

SEC. 17. In case the owner of any lot or fractional lot, so sold as aforesaid, his, her, or their agent or attorney, shall not pay the amount of the purchase money, with the per centum thereon as aforesaid, within two years from the day of sale thereof, it shall be the duty of the clerk then in office to make a deed to the purchaser, his, her, or their heirs or assigns, for such lot or fraction of lot, which deed, acknowledged and recorded according to law, shall vest the right and title to said real estate in the purchaser, his heirs, or assigns, and divest the owner or owners of any title thereto; and the assessment

made on such lot or lots shall be a lien on the same in the hands of any person who may purchase the same at private sale; and no conveyance made by the owner of such lot, after the time of such assessment, shall divest the owner of the title to said lot as to interfere with the claim of a purchaser under the provisions of this act: *Provided*, That in all cases where lots are listed and sold, and the owner's name not known, such sale shall be valid and good to the purchaser.

SEC. 18. The marshal may adjourn his sale from day to day for three days, and if at the final adjournment of his sale any lot or lots should remain unsold for want of buyers, he shall make return thereof, and the amount of tax shall remain as a lien upon such lot or lots, and shall be added to the next year's assessment, together with fifty per centum thereon: The marshal shall be allowed fifty cents for each sale and certificate, and the expense of advertising the same.

SEC. 19. It shall be the duty of the marshal to make return of his proceedings, and the sales made, to the clerk of the corporation, on or before the first day of August, annually, and pay to the treasurer all moneys by him collected, at which time he shall furnish a list of delinquents, for which he shall receive a credit, if deemed correct and true.

SEC. 20. All bonds given by the officers of the corporation, and all contracts entered into with the corporation, shall be in the name of "The President and Trustees of the Town of Mount Vernon," and all suits commenced for the benefit of the corporation, or where the corporation shall be defendant, shall be in the name of "The President and Trustees of the Town of Mount Vernon" without setting forth the name of any member thereof.

SEC. 21. It shall not be lawful for any person or persons within the bounds of the corporation, to sell by a quantity less than one quart, any spirituous liquors, foreign or domestic, or keep what is commonly called a tippling house, unless such person or persons shall, in addition to a license obtained from the board of county commissioners, obtain a license from the corporation, which is hereby authorized to grant the same to such applicant for one year or less, on his, her, or their paying into the treasury of the corporation a sum not exceeding fifty nor less than three dollars, at the discretion of the corporation: And if any person or persons shall sell any spirituous liquors, or keep what is commonly called a tippling house, contrary to the provisions of this act, such person shall forfeit and pay a penalty of not less than ten nor more than one hundred dollars, for the benefit of the town, to be recovered by action of debt.

SEC. 22. And for the better regulation of said corporation, and for the good order and government of the town, the president and trustees may pass such by-laws and ordinances, regulating their own conduct, and imposing such fines upon members for a breach of any of their rules or regulations, as they may conceive conducive to the public good, and a majority of all the trustees elect may expel a

trustee for improper or disorderly conduct, and also pass and adopt laws or ordinances for the suppression and punishment of immoral or indecent conduct, intoxication, rioting or whatever may detract from the good order of society.

SEC. 23. Whenever the owner of lots on any street or section of a street shall be desirous of making any improvement on the same, by grading, graveling, or paving said street or side walks thereof, or any other improvement on said street or side walks, two-thirds of the resident owners of lots on said street or section of street, by themselves, their tenants, or occupants thereof, representing two-thirds of the whole number of feet on each side of said street or section of street, or two-thirds of the whole number of feet on one side of any side walk, and shall by petition represent to the president and trustees of said corporation plainly and distinctly the improvement wanted or contemplated to be made, it shall be the duty of the president and trustees to cause the same to be done in the best and most economical manner, agreeably to the wish of said petitioners, and the expense of such improvement shall be assessed and levied on all the lots fronting on said street or section of street, equal per foot for the distance such improvement may be intended to extend, which assessment and levy, from the time of making the same, shall be and remain a lien upon said lot or lots until the amount so assessed and levied shall be fully paid and discharged: It shall be the duty of the clerk of the corporation to enter such petition on record, with the petitioners' names, the number of feet [front] owned or represented by each, and shall make out and deliver to the marshal of the corporation a list of the owners' names, the number of feet front owned by each individual, the rate of expenses on each lot for such improvement, and the whole amount assessed and levied on each lot or fraction of lot, which list, signed by the president and certified by the clerk, shall be sufficient authority for said marshal to proceed and collect the same; and if the owner or occupant of any lot or part of lot shall neglect or refuse to pay the amount so assessed and levied, within three months after such levy, the marshal shall proceed to collect the same by sale of such lot or part of lot, or so much thereof as will pay the amount so levied; and in such sale and conveyance to the purchaser thereof, he shall in all respects be governed by the sixteenth and seventeenth sections of this act, and the right of redemption shall be the same as provided in the sixteenth section of this act; and if any such lot or fraction of lot shall not sell for want of buyers, or any other legal cause, the same may be re-offered by such collector, from time to time, until the same shall be sold, adding the costs that may accrue at each time for advertising, &c.: And the marshal shall be entitled, in addition to the cost of advertising, to the same fee for such sale as he is allowed in the eighteenth section of this act for making sale and certificate, and for making a deed to any real estate sold under the provisions of this act; the clerk making the same shall be allowed one dollar, and twenty-five cents for having the same acknowledged, to be paid by the person receiving said deed.

SEC. 24. The president and trustees shall have at all times full power to refund any moneys wrongfully collected as taxes, and to correct any assessment or tax list, by adding thereto or subtracting therefrom, as to them shall seem right.

SEC. 25. No person shall be incompetent to be a witness in suits for the violation of any by-law or ordinance of the president and trustees, because such person is a citizen of the town.

SEC. 26. The clerk shall keep a record of all the by-laws, ordinances, and other proceedings of the president and trustees, and a copy thereof, certified by him, under the seal of the town, shall be sufficiently authenticated to be admitted as evidence in any court of this State: He shall also be the keeper of the seal, records, and files of the corporation. The treasurer shall have the custody of all moneys of the corporation, and pay over the same to the order of the president and trustees; he shall also report to them the condition of the treasury, at their stated meetings in January of every year, and such other times as they may specially direct.

SEC. 27. The president shall have power to issue, under the seal of the president and trustees, and the marshal to serve process in any manner relating to any violations of the laws and ordinances of the president and trustees, and to carry the same into as full effect for any violation thereof, as justices of the peace and constables have now or may hereafter have to carry into effect any process issued by virtue of any law of this State, and shall be entitled to receive and authorized to demand and collect the same fees that are or shall be allowed to justices of the peace and constables for performing similar services; and the parties to any suit before the president shall have the same right to a change of venue, to a trial by jury, and to an appeal, as if the same was pending before a justice of the peace: And the president, when officiating as authorized by this section, shall keep a record of his proceedings, which record, or a certified copy thereof, shall in all respects have the same effect as the docket of justices of the peace, and shall be evidence in any court: The marshal shall attend all trials before the president, shall serve all process issued by the president, and his power for this purpose shall be co-extensive with the county of Posey: In case of the absence or inability of the marshal, the president may direct process to some other person, whose authority and duty shall be the same as that of the marshal in like cases: It shall be the duty of the marshal to report to the president all violations and infractions of any of the penal regulations of the corporation which may come to his knowledge, and shall be a peace officer within the town.

SEC. 28. It shall be the duty of the keeper of the jail of Posey county to receive into his custody any prisoner or prisoners who may from time to time be committed to his charge under the authority of said president, and to safely keep every such prisoner, according to the warrant or precept of commitment, until he, she, or they shall be discharged by due course of law.

SEC. 29. The times hereinbefore stated when elections shall be

held, and certain other acts shall be done, are directory only (except the time of selling land for taxes) and no election or other act shall be void because the same was not held or done on any particular day.

SEC. 30. All by-laws and ordinances of a public nature, made by the president and trustees, shall be in force as soon as a copy thereof, attested by the clerk, shall have been published for ten days in a newspaper of the town, or posted for such length of time in three of the most public places.

SEC. 31. The legislature shall have power at any time to alter, amend, or repeal this charter, so as to limit, restrain, or take away the powers and privileges herein granted.

SEC. 32. This act shall be a public act, and be judicially noticed and liberally construed by all the courts of this State; and shall take effect and be in force from and after its passage.

CHAPTER XCVIII.

An Act to authorize the judges of the Lawrence circuit and probate courts to devise new seals for their respective courts.

[APPROVED DECEMBER 18, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be lawful for the judges of the Lawrence circuit and probate courts to devise new seals for their respective courts: Such new seals shall not be in use until a description of them, signed by the judges devising the same, shall be filed by the clerk of the respective courts, and recorded.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER XCIX.

An act to incorporate the Covington Draw-bridge Company.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all persons who shall become stockholders pursuant to the provisions of this act be and they are hereby constituted a body politic and corporate by the name of the "Covington Draw-bridge Company," and by such name shall be capable of holding real estate sufficient for the purposes of this act, and to sue and be sued, plead and be impleaded, answer and be answered unto, in law and equity, in all courts whatsoever, and shall have authority to ordain and establish such by-laws, rules and regulations, not repugnant to the Constitution and laws of this State or the United States, as shall from time to time be found necessary to promote the interest and good government of said corporation.

SEC. 2. The capital stock of said corporation shall be twenty thousand dollars, divided into shares of twenty-five dollars each.

SEC. 3. That Joseph Ristine, William Patterson, Joseph L. Sloan, and William Piatt, be and they are hereby appointed commissioners to open books for subscriptions to the capital stock of said company, and the said books shall be opened on or before the first Monday in August next, and each of said commissioners may receive subscriptions either jointly or separately.

SEC. 4. As soon as three hundred shares shall have been subscribed, the said commissioners shall, by publication in one or more newspapers printed in Fountain county, cause notice to be given of the time and place of meeting of the stockholders, to choose directors; and at the time and place so appointed, the stockholders shall choose nine directors, being stockholders of said company, who shall serve one year, and until their successors are chosen and qualified, a majority of whom shall constitute a quorum, for the transaction of business; and an annual election for directors, shall be held at such time and place as the stockholders, at their first meeting shall appoint; and the directors thus chosen shall as soon thereafter as possible choose one of their own body as president, and one also as secretary, and such other officers as may be necessary: *Provided,* That should the stockholders fail, at any annual election, to elect directors, the corporation on that account shall not be dissolved; but the president and directors for the time being shall continue to exercise the duties of their office until their successors shall be chosen by the stockholders.

SEC. 5. The directors may demand from the stockholders all such sums of money by them subscribed at such times and in such proportions as they may think proper; not however exceeding ten per

centum on the amount of such subscriptions at any one time, nor oftener than at intervals of four weeks after the first payment shall become due, which time shall be determined by the directors giving three weeks notice thereof in one or more newspapers printed in the county of Fountain, stating the amount demanded and the time and place of payment; and if any stockholder shall neglect or refuse to pay such requisition within ten days after it shall become due, the corporation may bring suit against such delinquent for the amount due, in any court of competent jurisdiction, and recover the amount with one per cent. a month interest thereon from such delinquent, and if the amount cannot be made on execution, or if such delinquent is out of the State, the directors may declare such stock forfeited to the corporation with whatever amount may have been paid thereon.

SEC. 6. The said corporation may erect a bridge across the Wabash river at any point opposite the town of Covington, which point shall be determined by a vote of the stockholders, (each share representing one vote,) at a special meeting to be called by the directors for that purpose, by giving three weeks notice in a newspaper printed in Covington; and said corporation shall have and use the writ of *ad quod damnum*, and all the benefits arising from the law, allowing the use of said writ for the purpose of having condemned the necessary quantity of ground for the erection of abutments, toll houses, and necessary causeways and roads to the same.

SEC. 7. When said bridge shall be completed the said corporation may erect at either end a gate, and demand and receive the following rates of toll:

For two horses or oxen and loaded wagon, twenty cents:

For the same not loaded, ten cents:

For a four-horse or ox-team with wagon and loaded, twenty-five cents:

For the same not loaded, fifteen cents:

And for every additional horse or ox attached thereto, two and a half cents:

For a single horse and wagon or buggy, fifteen cents:

For a horse and rider, five cents:

For a person on foot, three cents:

For horse or cattle led or driven per head, three cents:

For hogs, sheep, or calves per head, two cents:

And in similar proportions to the foregoing rates for any other animals or carriages.

SEC. 8. Said bridge shall be elevated to a sufficient height above high water mark to admit the free passage of loaded flat boats under it.

SEC. 9. The said company shall cause to be stationed during such times as the Wabash river may be navigable for steam boats a qualified person or persons, whose duty it shall be to raise the "draw" in said bridge when boats are approaching by night or by

day, and it shall be the further duty of said company to cause a light to be placed on each side of said draw during the night when the river is so navigable, and should any avoidable or unnecessary delay occur by neglect of these provisions in permitting steam boats to pass up and down said river, the said corporation shall be subject to a fine of not less than ten, nor more than three hundred dollars, for the benefit of the owner or owners of the steam boat so detained to be recovered by said owner or owners in an action of debt before any court having competent jurisdiction.

SEC. 10. It shall be the duty of the directors to cause a full statement of the affairs of the company to be made and exhibited to the stockholders at every annual election, or at any other general meeting of the stockholders.

SEC. 11. The President and directors shall fill all vacancies that may happen in their own body; and may sit on their own adjournments, or on the call of the president, and when the president is absent, the directors may appoint a president *pro tem*.

SEC. 12. In all elections for directors each stockholder shall be entitled to vote in person or by proxy under such regulations as may be prescribed by the stockholders, according to the following scale: For each share not exceeding five shares, one vote: for every two shares above five and under fifteen, one vote: and for every three shares above fifteen, one vote.

SEC. 13. Yearly dividends of so much of the profits as the directors may deem expedient shall be declared by publication four weeks before the day of the annual meeting of the stockholders, and payable on the day of such meeting; but no dividend shall be made of more than the nett profits after deducting all expenses.

SEC. 14. Certificates of stock shall be given to the stockholders, which shall be evidence of stock held; they shall be signed by the president and countersigned by the secretary; the stock shall be transferable on the books of the corporation only, personally or by attorney, duly authorized for that purpose; but such stock shall at all times be held by the corporation for any debts due from the holder to the corporation.

SEC. 15. If any person shall willfully injure said bridge, he, she or they so offending shall forfeit and pay to the corporation treble the amount it may cost to repair the same, with costs of suit, to be recovered in an action of debt before any court of competent jurisdiction.

SEC. 16. If any person shall forcibly pass the gate without having paid the legal rate of toll, he shall forfeit and pay to the corporation six times the amount of legal tolls to be recovered with costs of suit in an action of debt before any justice of the peace in Fountain county.

SEC. 17. If any toll gatherer shall unreasonably delay or hinder any passenger at the gate or shall demand more than the legal rate of toll, he shall for every such offence forfeit the sum of five dollars

for the benefit of the person so delayed or defrauded to be recovered before any justice of the peace in Fountain county, with costs of suit.

SEC. 18. If said bridge shall not be completed in five years from the passage of this act, then this act to be null and void; otherwise to remain in full force for the period of twenty-five years from such completion.

SEC. 19. The several corporators and their property shall be liable for the debts of the corporation in case said corporation shall ever become insolvent, in the same manner and to the same extent as individual partners are liable for the debts of an individual partnership.

SEC. 20. This act to take effect and be in force from and after its passage.

CHAPTER C.

An Act for the further relief of the sureties of James A. Kindle, late treasurer and collector of Madison county, Indiana.

[APPROVED DECEMBER 24, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the credits heretofore ordered by the board of commissioners of Madison county to be made and allowed upon a judgment in the Madison circuit court against James A. Kindle, late treasurer and collector of said county, and William Young, George Vineyard, Solomon Nelson, Adam Pence, Joseph Pence, Garrett McCalister, and Evan Pugh, his securities, be and the same are ratified, confirmed, and fully legalized; and the amount so allowed and ordered by said board of commissioners to be credited shall be considered as a legal payment on said judgment as fully and amply as if the amount had been paid in cash since the rendition of the same: *Provided*, That this section be and the same is subject to the proviso contained in the second section of this act.

SEC. 2. *Be it further enacted*, That said board of commissioners of Madison county aforesaid be and they are hereby authorized at any time hereafter, either at a regular or called meeting of the same, to inquire into, hear and determine as to any other, or additional credits, that said Kindle or his securities may be justly and equitably entitled to, either in consequence of errors in assessing road receipts on hand at the time of the said default of the said Kindle, county orders on hand, moneys paid either the State or county, services rendered, or any just offset; and whatever amount

the said board of commissioners may think should be allowed as additional credits upon said judgment, they shall make an order allowing the same, which order shall be certified to the clerk of the Madison circuit court, whose duty it shall be to enter it as a credit upon said judgment, and when so entered it shall be considered as a payment and satisfaction of said judgment to the amount so ordered and allowed: *Provided, however*, That this act is subject to this condition, that if said board of commissioners should be of opinion that any additional credits should be allowed in pursuance of the provisions of the second section of this act, nothing in this act contained shall be construed so as to prevent said board of commissioners from deducting therefrom any part of said credits heretofore allowed by said board of commissioners, which said board of commissioners may consider as having been unjustly allowed; and said board of commissioners may review and examine said allowances heretofore made for that purpose, and shall make such deduction, if any, before making any further allowance.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CI.

An Act to incorporate the Laurel and Moscow Turnpike Company in the counties of Franklin and Rush.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That George G. Shoup, John Daniels, Thomas J. White, William C. Moore, Stephen Jenks, and Andrew J. Ross, of the county of Franklin, and Joseph Peck, Isaac Conde, Eli J. Ellston, William Hill, James R. Patton, and Thomas L. Stewart, of the county of Rush, and their successors duly elected, are hereby constituted and appointed a body politic and corporate to be known by the name and style of the "Directors of the Laurel and Moscow Turnpike Company," with power to sue and be sued, plead and be impeaded, defend and be defended, answer and be answered unto, in all courts of justice in this State, and to adopt such by-laws as shall not conflict with the laws of this State, to use a common seal, and alter the same at their pleasure.

SEC. 2. The directors named in the first section of this act shall, at such times as they may deem best, cause books of subscription for stock to be opened at such places as they may direct, and no share of stock shall be for a less sum than twenty-five dollars; and

when a sufficient amount of stock shall have been subscribed to justify a commencement, the corporation shall have full power to make and locate the route of said turnpike road from Laurel, in Franklin county, to Moscow, in Rush county, upon such route as the directors may think best for the interests of the company and the public convenience.

SEC. 3. The directors, stockholders, and agents of this company shall be governed, in all things not expressed in this act, by sections 3, 4, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29, of an act entitled "An act to incorporate the Fort Wayne and Lima Turnpike Company," as published in the local laws for that session of the General Assembly which was begun on the first Monday in December, 1845.

SEC. 4. This act to take effect from and after its passage.

CHAPTER CII.

An Act to change the name of the town of Canton, in Tipton county.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the name of the town of Canton, in Tipton county, be and the same is hereby changed to that of Tipton.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CIII.

An Act to vacate a road in the town of Lawrenceburgh.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all that part of the old State road leading from Lawrenceburgh to Hardinsburgh, in the county of Dearborn, extending from Elm Row, (a street of Lawrenceburgh,) to within sixty feet of the canal, be and the same is hereby vacated.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CIV.

An Act for the purpose of settling the debt of the Wabash Manual Labor College and Teachers' Seminary to the sinking fund of the State, and for other purposes.

WHEREAS, The trustees of the Wabash Manual Labor College and Teachers' Seminary, in consequence of the destruction by fire of their college edifice, involving a loss of fifteen thousand dollars, obtained a loan from the sinking fund of the State of eight thousand dollars, by a joint resolution of the General Assembly: **AND WHEREAS**, The said trustees not having been able to pay off said debt, or to prevent the interest from accumulating so that their indebtedness to the said sinking fund amounts now to the sum of ten thousand six hundred dollars, which indebtedness is evidenced by a bond and mortgage from said trustees to the State, on about forty acres of land near to the town of Crawfordsville, on which stands the college building: **AND WHEREAS**, The said trustees now hold Indiana State Bonds, including principal and interest, to an amount equal to their indebtedness to said sinking fund, and are willing and anxious to place said bonds as security to the sinking fund, and take up their said bond and mortgage: **AND WHEREAS**, The said trustees propose, in addition to the payment of their debt in State bonds as aforesaid, to educate one young man for a common school teacher from each county in the State for five years free of charge for tuition: **AND WHEREAS**, The said trustees are wholly unable to make or give any other or better payment or security for their said debt to said sinking fund: Now therefore, for the purpose of better securing the ultimate payment of said debt to said fund, as well as of increasing the number of common school teachers,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the trustees of the Wabash Manual Labor College and Teachers' Seminary are hereby authorized to place in the hands of the proper officer or officers of the sinking fund of the State of Indiana, State bonds equal in amount to the sum due by said trustees to said sinking fund, or any part thereof, and the balance in cash, whereupon the said officer or officers of said sinking fund are hereby required and instructed to surrender up to the said trustees the evidences of said debt, and enter satisfaction of the same: *Provided*, That no interest shall be allowed on the coupons or interest warrants attached to said bonds.

SEC. 2. The said State bonds so taken by said officer or officers by virtue of the foregoing section, shall be and remain to said sinking fund a valid and subsisting debt against the State for principal and interest due and to grow due thereon, and the same shall be

paid out of any money in the treasury not otherwise appropriated, at the time and in the same manner that said fund may be distributed as provided by an act entitled "An act to establish a State Bank," approved January 28, 1834, any thing in any acts of the legislature heretofore or that may be hereafter passed, to the contrary notwithstanding.

SEC. 3. It is hereby made the duty of the said trustees to receive as students into said college, and educate for five years, one young man from each county in the State, free of tuition, to be selected in the same manner as students are now selected for the State University at Bloomington: *Provided, however*, If any such student shall from any cause not stay out his full term of five years, such vacancy may be filled in like manner.

SEC. 4. The said third section shall stand and operate as an amendment to the charter of the said Wabash Manual Labor College and Teachers' Seminary.

SEC. 5. All acts and parts of acts coming within the purview of this act be and the same are hereby repealed.

SEC. 6. This act to be in force from and after its passage.

CHAPTER CV.

An Act to change the name of Ellen Loudenberger to that of Ellen Lomax.

[APPROVED JANUARY 14, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the name of Ellen Loudenberger, of Marion, Grant county, Indiana, be and the same is hereby changed to that of Ellen Lomax.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CVI.

An Act to amend an act entitled "An act granting to the citizens of Madison and the town of Lawrenceburgh a city charter.

[APPROVED JANUARY 8, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall hereafter be lawful for the mayor and common council of the city of Madison to withhold from and refuse to grant to any and all persons applying therefor, a license to retail spirituous and fermented liquors within the corporate limits of said city, when a majority of the householders living within said corporate limits shall remonstrate against the granting of the same.

SEC. 2. This act to take effect and be in force from and after its publication in the newspapers of said city of Madison.

CHAPTER CVII.

An Act to amend an act entitled "An act to provide for the continuance of the construction of all or any part of the public works of this State by private companies, and for abolishing the board of internal improvements, and the offices of fund commissioner and chief engineer," approved January 28, 1842.

[APPROVED JANUARY 23, 1847.]

WHEREAS, A company has been organized in the county of Shelby under the eighty-second section of the act aforesaid, under the style and by the name of "The Shelbyville Lateral Branch Railroad Company;" AND WHEREAS, Doubts may arise as to the legality of the organization of said company under said act: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the organization of the aforesaid company, and the acts, doings, and proceedings of said company under said organization, be and the same are hereby legalized, and the said company hereby declared and made a body politic and corporate, with all the powers and rights conferred by and under the act to which this is an amendment, upon any association formed and organized under the said act to which this is an amendment.

SEC. 2. That said board is hereby authorized and empowered from time to time to borrow money on the credit of said company, to aid them in the construction and repair of said road, or carrying

on the operations of said company, and for that purpose may execute bonds or other contracts for the payment of the same, in such manner, and payable at such times, and bearing such rate of interest, not exceeding the interest allowed by the laws of the State where any such loan may be negotiated, as may be agreed upon by the parties: *Provided,* Such interest shall not exceed the rate of seven per centum per annum.

SEC. 3. The said company may at any time open books for the subscription and transfer of stock in any city of the United States, under such terms and regulations as said company shall prescribe.

SEC. 4. At any annual election of directors for said company hereafter held, it shall be lawful for the stockholders to elect seven instead of thirteen directors to manage the affairs of said company: *Provided,* That said stockholders shall so determine by a vote of two-thirds, of those present at such election, any five of whom, when so elected at such election, shall constitute a quorum for the transaction of business; and that all notices of any annual election, instead of being published in two newspapers as now required by law, may be given in one newspaper, the nearest and most convenient to the line of said road.

SEC. 5. This act to take effect and be in force from and after the filing of a certified copy thereof in the office of said company, at Shelbyville; and it is hereby made the duty of the Secretary of State to forward such copy to said office immediately on the passage of this act; and this act is hereby declared a public act.

CHAPTER CVIII.

An Act to change the name of James Morris Smith to that of James Morris Vestal.

[APPROVED JANUARY 6, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the name of James Morris Smith, of Guilford township, in Hendricks county, Indiana, be and the same is hereby changed to that of James Morris Vestal.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CIX.

An Act to vacate certain streets in the town of South Greencastle, Putnam county.

[APPROVED JANUARY 5, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the cross streets running east and west between lots numbered one, two, three, four, seven, eight, nine, ten, eleven, twelve, seventeen, eighteen, nineteen, and twenty, and the alley running north and south between lots numbered two and three, in Allen's enlargement or South Greencastle, in the town of Greencastle, county of Putnam, be and the same are hereby vacated, so far as the same are bounded by the lots aforesaid.

SEC. 2. That the corporation of the town of Greencastle shall not hereafter be deemed or taken to extend to the lots aforesaid.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CX.

An Act to legalize the publication of the delinquent list of Tippecanoe county, and authorizing the sale of delinquent lands on the first Monday of March next.

[APPROVED JANUARY 26, 1847.]

WHEREAS, It has been represented to this General Assembly that owing to the neglect of the board of commissioners of Tippecanoe county to order the publication of the delinquent list of said county at their September session, 1846, doubts have been entertained as to the legality of such publication and the sale of such delinquent lands, for the purpose of legalizing such publication and authorizing the sale thereof,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the publication of the delinquent list of taxables in Tippecanoe county for the year 1846 be and the same is hereby declared valid and legal.

SEC. 2. That the sale of said delinquents be and the same is hereby postponed until the first Monday in March next, at which time it shall be the duty of the auditor and treasurer of said county

to proceed to the discharge of their respective duties, in the sale of such delinquent lands, in the same manner and to the same extent in every respect as though said sale had transpired on the first Monday in January of the present year, as now provided by law.

SEC. 3. That all sales under this act are hereby declared to be as valid and effectual in each and every respect as though such sale had taken place at the time now provided by law.

SEC. 4. It shall not be necessary for the board of county commissioners of said county to order any further publication of the sale of such delinquent lands to be made prior to such sale on the first Monday in March next: *Provided, however,* That the auditor of said county shall cause a notice (in a succinct form) of such sale to be given in one or more of the newspapers published in said county, which notice shall refer to the prior publication of such sale as heretofore made in the Tippecanoe Journal.

SEC. 5. That the time for the annual settlement of the treasurer of said county for the year 1846 be and the same is hereby extended to the second Monday in April, 1847.

SEC. 6. This act shall be in force from and after its passage; and all laws interfering with the provisions of this act are hereby repealed; and it is hereby made the duty of the Secretary of State to forward a copy of this act to the auditor and treasurer of Tippecanoe county.

CHAPTER CXI.

An Act authorizing the State Bank of Indiana to lay off, plat, and record, in out lots, certain lands adjoining and lying near to the town of South Bend, St. Joseph county.

[APPROVED JANUARY 8, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the State Bank of Indiana be and she is hereby authorized to lay off in out lots any lands which may be owned by her, for the use of the South Bend branch of said State Bank adjoining to or near the town of South Bend, in St. Joseph county, and that said State Bank may survey, number, and plat the said lands into such out lots and have such plat or plats recorded in the recorder's office of said county; and said State Bank, (after having had such plat or plats recorded as aforesaid) shall be authorized to sell and convey said lots, by the numbers thereof, as contained and designated on said plat or plats, and any and all streets or avenues, marked, laid off, surveyed, and platted on said plat or plats, shall become and be forever thereafter public highways: *Provided, however,*

That nothing herein contained shall be so construed as to bring into the corporate limits or jurisdiction of the said town of South Bend the said out lots, when the same may be surveyed, platted, and recorded by virtue of this act.

SEC. 2. Before such plat or plats shall be admitted to record in said county, the same shall be duly executed and acknowledged by the president of the said South Bend branch bank, in the same manner as provided by law for the recording of town plats; and said lots, when surveyed, platted, and recorded, shall be known as "out lots of the town of South Bend, platted by the State Bank of Indiana."

SEC. 3. This act shall be in force from and after its passage.

CHAPTER CXII.

An Act giving additional powers to the board of county commissioners of Tippecanoe county.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board of county commissioners of Tippecanoe county, in said State, are hereby authorized to levy and collect any and all taxes for the erection of bridges across the Wabash and Erie canal, in said county, to the same extent in all respects as they are now authorized to levy and collect for the erection of bridges over any water course in said county.

SEC. 2. That the words "water course" in the fifty-eighth section of the sixteenth chapter of the Revised Statutes of 1843 are hereby declared to include the Wabash and Erie canal, so far as relates to said county of Tippecanoe.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CXIII.

An Act to legalize the acts and proceedings of the board of commissioners of the county of Grant.

[APPROVED DECEMBER 18, 1846.]

WHEREAS, It has been represented to this General Assembly that the board of commissioners of the county of Grant, and State of Indiana, failed at the regular term of said board, and at the time fixed by law for that purpose, to make an order that the auditor of said county should cause to be published, as the law directs, the delinquent list of taxes for said county for the year A. D. 1845: AND WHEREAS, It has been made known that the said board of commissioners, at a called session of the same, held at the court house in the town of Marion, Grant county aforesaid, on the ninth day of October, A. D. 1846, it was ordered and directed that the auditor of said county should cause the delinquent list of taxes for the year 1845 to be published as the law directs: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all of the acts and proceedings of the said board of commissioners so made and done on the said ninth day of October aforesaid, be and the same are hereby legalized and confirmed, and rendered of the same force and effect to all intents and purposes as if the same had been made and done at a regular term of said board, and at the time fixed by law for that purpose.

SEC. 2. That the auditor and treasurer of the county of Grant shall proceed to sell and convey the list of delinquent lands advertised for sale in the Grant County Democrat for the year 1845, at the time and place fixed therein, without any more or further order or advertising; and all sales so made shall in all respects be as good and valid in law as if the said order of the board of commissioners and the said advertisement of said delinquent list had been made and done in pursuance to a regular and legal order of said board.

SEC. 3. This act to take effect and be in force from and after its passage; and it is hereby made the duty of the Secretary of State to cause a certified copy of the same to be filed in the auditor's and treasurer's office of the county of Grant.

CHAPTER CXIV.

An Act for the relief of John McIntire, Clark M. Anthony, and Joseph P. Glezen, and for other purposes.

[APPROVED JANUARY 14, 1847.]

WHEREAS, It is represented to this General Assembly that at the June term of the commissioners' court, in the year 1846, of the county of Pike, John McIntire, clerk of the Pike circuit court, resigned the office of auditor of Pike county, which resignation was accepted by the board doing county business in said county, and that thereupon the said board of commissioners appointed Clark M. Anthony auditor of said county, who executed bond, and took an oath of office, and entered upon the discharge of the duties of said office; and that at the general election held in said county on the first Monday in August, 1846, Joseph P. Glezen was duly elected auditor of said county of Pike: AND WHEREAS, It is further represented to the General Assembly that the county of Pike does not poll twelve hundred votes, and that doubts are entertained by some of the legality of the resignation of said McIntire, the appointment of said Anthony, and the subsequent election of Glezen: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the resignation of John McIntire of the office of auditor of said county of Pike be and the same is hereby confirmed and legalized.

SEC. 2. The appointment of Clark M. Anthony as auditor of said county of Pike, by the board of commissioners of said county, be and the same is hereby legalized and declared to be valid.

SEC. 3. The election of said Joseph P. Glezen at the last general election in said county of Pike to the office of auditor of said county, for the term of five years from and after the first day of March, 1847, be and the same is hereby declared to be as legal and valid as if the said county of Pike polled twelve hundred votes, and the said Glezen is required to enter into bond and take the oath prescribed by the statutes now in force before he enters upon the duties of said office.

SEC. 4. This act to be in force from and after its passage; and it is hereby made the duty of the Secretary of State to forward a certified copy of this act to the auditor of Pike county immediately after its passage.

CHAPTER CXV.

An Act to incorporate the Clifty Band of Musicians, in Decatur county.

[APPROVED JANUARY 5, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That Thomas C. Shannon, James F. Bonner, David McClerkin, James M. McClerkin, Henry McClerkin, James H. Logan, Hugh Brison, George Glass, Samuel N. McIlvain, Moreland Lewis, Alexander Elliott, and John Overdurf, and their associates and successors, be and they are hereby constituted and declared a body politic and corporate, to be known by the name and style of "The Clifty Band," with perpetual succession, and with full power to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered unto in law and equity, and in all courts of legal proceedings whatever; to make, have, and use a common seal, and the same to alter or renew at pleasure.

SEC. 2. Said band is hereby authorized and empowered to adopt a constitution, and to make, establish, and enforce such by-laws, rules, and ordinances under said constitution as they may deem proper, not inconsistent with the constitution and laws of the United States and of the State of Indiana.

SEC. 3. Said band may make and appoint all officers necessary for the management and direction of the same; and make such rules and regulations for the reception or expulsion of members as they may deem proper.

SEC. 4. Said band may receive donations in money and property, and may purchase property, musical instruments, or books, and may hold or donate the same to the purposes of the band, and may sell and convey any or all such property: *Provided,* That the amount of property so held by said corporation shall not at any time exceed in value the sum of five hundred dollars.

SEC. 5. The provisions of this act are hereby extended to Thomas Justice, William J. McCrary, Parley Freeland, Martin Dashiell, Joseph McCrary, Henry Gatenbee, Jesse J. Palmer, John Claspel, and their associates, to be known by the name and style of "The Moorsville Musical Institute," of Dearborn county, with all the privileges and rights hereby granted to the persons named in the first section of this act.

SEC. 6. This act to take effect and be in force from and after its passage.

CHAPTER CXVI.

An Act to regulate the mode of doing county business in the county of Harrison.

[APPROVED JANUARY 8, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the qualified voters of the several townships of the county of Harrison shall at the annual township elections on the first Monday in April in each year, elect one of the justices of the peace from each township in said county to do the county business of said county for one year from and after said election, and until his successor shall be elected and qualified.

SEC. 2. The said election shall be conducted in all respects as the election of other township officers is conducted, and the inspectors and judges of said election shall make return thereof, by one of their number, to the clerk of said county, who shall immediately notify said justice of the peace of his election.

SEC. 3. The said justices of the peace, so elected, shall constitute the board of commissioners of said county, and shall be governed in all other respects by the laws which are or may be in force regulating the mode of doing county business in said county.

SEC. 4. If any justice of the peace elected under the provisions of this act shall wilfully fail or refuse to attend any of the regular sessions of said board, he may be considered as in contempt of the authority of said board, and may for each default be fined by them in any sum not exceeding three dollars, at their discretion.

SEC. 5. Any five of said justices shall be sufficient to form a quorum to do business.

SEC. 6. In addition to the exemptions now allowed by law to justices of the peace, each member of said board shall be allowed the sum of one dollar for each day he may be necessarily engaged in the business of said board.

SEC. 7. This act to be in force from and after the first day of April, 1847.

CHAPTER CXVII.

An Act for the relief of the treasurer of Johnson county.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That William Bridges, treasurer of the county of Johnson, be and he is hereby authorized to make and return, in the manner prescribed by law a further and an additional list of delinquent lands and lots in the said county of Johnson, on which he has been and still is unable to collect the taxes for the year eighteen hundred and forty-five, said delinquent list to be made out and delivered to the auditor of Johnson county previous to the time required by law for the settlement of said treasurer with the Auditor of State on account of the revenue of eighteen hundred and forty-six.

SEC. 2. The auditor of the said county of Johnson and the auditor of State, respectively, in relation to the lands and lots returned as delinquent under the provisions of this act, and in the disposition of the same shall be governed by the laws in force upon that subject; and such lands and lots so returned delinquent are hereby declared subject to the payment of the taxes thereon for the year eighteen hundred and forty-five, as if the same had been returned delinquent by said treasurer in proper time; and in the settlement with the said William Bridges by the auditor of the county of Johnson and the Auditor of State on account of taxes by him collected for the year eighteen hundred and forty-six, the said county auditor is required to allow a credit for the amount of county and road tax, and the Auditor of State for the amount of State tax shown by such delinquent list to remain unpaid.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CXVIII.

An Act defining the duties of the treasurer, auditor, and supervisors of highways in the county of Dearborn.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That annually hereafter supervisors of roads shall, between the first day of May and the twenty-fifth day of August, call out all

the inhabitants in their respective districts to work out the road tax charged against them in the list furnished them by the auditor.

SEC. 2. The supervisors of highways in the county of Dearborn shall have the same power to collect by law the road tax above specified, that they have to collect the two days' road tax assessed against each male inhabitant, and they shall be governed in all respects in collecting said tax by the law governing the collection of the said two days' tax.

SEC. 3. Supervisors shall, on or before the first day of September, annually, transmit to the county auditor a complete list of all persons who have not worked out or paid in money their road tax, whereupon said auditor shall forthwith place such delinquent road tax on the duplicate for State and county revenue for the current year, to be collected in the same manner as other taxes.

SEC. 4. For collecting and paying over such delinquent tax, the treasurer shall be allowed to charge a penalty of four per centum on such delinquencies, which shall be his compensation in full for such services.

SEC. 5. Each road district shall be entitled to draw from the treasury the amount returned delinquent by the supervisors thereof, when collected, and the supervisor of the district for the time being shall have full power and authority to draw the same on the auditor's warrant; and the money so drawn shall be expended in the same manner as is provided in section eighty, chapter sixteen, of the Revised Statutes.

SEC. 6. It shall be the duty of the supervisors of roads in the county of Dearborn, annually, on or before the first day of May, to furnish the auditor with a list of all the names of persons subject to pay road tax in their respective districts, with the number of acres of land or town lots each one owns, and a description thereof set down opposite the owner's name, noting such as are non-residents of the district.

SEC. 7. All laws now in force in relation to roads in the county of Dearborn which do not conflict with the provisions of this act, are still in force in said county of Dearborn.

SEC. 8. Provided nothing herein contained shall be so construed as to repeal any of the local township laws which are now in force or may be passed this session for the improvement of roads in said county.

SEC. 9. This act to be in force from and after its passage.

CHAPTER CXIX.

An Act to incorporate the Town of Greenfield, in Hancock county.

[APPROVED JANUARY 28, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That John Templin, John Hagar, Hugh Wooster, A. M. Patterson, and Morris Pierson be and they are hereby appointed trustees of the town of Greenfield, in the county of Hancock, to serve as such until the first Monday in February, 1848, and until their successors are elected and qualified as hereinafter directed.*

SEC. 2. That the trustees aforesaid, at their first meeting under this act shall elect a president from their own body, whose duty it shall be to preserve order, and put all questions before them, and upon equal division of the board give the casting vote, and at the close of each meeting shall sign the minutes of the same; and said trustees shall also at their first meeting appoint officers necessary to carry into effect the provisions of this act, and make such compensation to such officers as a majority of the board shall deem reasonable.

SEC. 3. That said president and trustees of said town of Greenfield, and their successors in office, shall be and they are hereby constituted and declared a body, to be a body politic and corporate, with perpetual succession, by the name and style of "The President and Trustees of the Town of Greenfield," and by their corporate name shall be capable in law and equity to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any court having competent jurisdiction; and shall have power to make, have, and use a common seal, and the same to alter, amend, and break at pleasure; to ordain, establish, and put into execution and carry into effect such by-laws, rules, ordinances, and regulations necessary and proper for the benefit, convenience, good government, and police of said town.

SEC. 4. That said president and trustees, or a majority of them, shall have power to lay off said town into as many wards as they shall deem necessary, should they deem it expedient so to do, and on the first Monday of February, annually, there shall be an election at some convenient place in said town, to be designated by said president and trustees, to be elected by ballot five trustees for said corporation, at which election each white male citizen of said town who shall have the qualifications of a voter for State and county officers, and shall have resided in said town three months next preceding such election, shall be entitled to vote at the same, ten days' previous notice of which election shall be given by the president and trustees aforesaid, by written notices posted up in three of the most public places in said town, designating the time and place of holding such election.

SEC. 5. It shall be the duty of the president to sign all laws, ordinances, and decrees of a public nature, and also sign the records of all by-laws, and journals and minutes of their proceedings; and at the first meeting of the president and trustees after taking effect of this act, and after each annual election as soon as may be convenient, they shall elect or appoint a clerk and treasurer, and also a marshal of said incorporation, should they think it expedient to do so, each of whom shall serve for one year, and until their successors shall be chosen and qualified, and shall possess the qualifications of voters, and take a similar oath of the trustees, give bond and security, payable to said president and trustees, conditioned for the faithful discharge of their duties respectively, and on failure to perform all or any of the conditions of said bond, they shall be liable to the suit of the president and trustees aforesaid on said bond, or against them and their securities, who may assign breaches upon [the] conditions [of said] bonds, and recover a judgment for any default in the discharge of the duties of such officers, together with full costs of suit and six per centum damages, if suit be brought for the non-payment of any sum of money due said corporation, in any court having competent jurisdiction, and on which judgment there shall be no stay of execution.

SEC. 6. The president and trustees shall have power to levy annually and collect a tax on real property within the plat of said town, not exceeding one-half per centum on its valuation, including improvements; and all shows and amusements which may be exhibited for gain not less than two nor more than ten dollars for each exhibition; and may levy a tax on each special article or articles of personal property; a poll tax on each qualified voter not exceeding fifty cents.

SEC. 7. The president and trustees shall have power to pass such laws and ordinances or decrees as may be necessary to guard against damages by fire; to organize fire companies, and govern the same; to regulate markets; prevent the erection of public nuisances, and remove the same; to make and keep in repair public wells; and shall have the sole power to keep in repair all necessary streets, alleys, and drains, and regulate the same agreeable to the plan of said town; and generally to enforce, by proper penalty, the observance of all laws and ordinances relative to the police of said town.

SEC. 8. The limits of said town shall, for the purposes of taxation and police, extend to and embrace the boundary of the original town plat, together with the new addition added to said town, should the said president and trustees think it expedient.

SEC. 9. The president and trustees in the month of May of each year may appoint an assessor, who shall take an oath of office, after which he shall proceed forthwith to make a fair list, in alphabetical order, of all persons subject to taxation, together with such property as the president and trustees may direct him to list, of all lots and fractions of lots, particularly noting the number and fractions or descriptions thereof, the owner's name, if known, whether resident

or non-resident, and after having completed such list, he shall take to his assistance two freeholders, who having taken a like oath as the assessor, shall proceed to value the same; and such assessor shall, on or before the first Monday in June next succeeding, make return of such assessment to the clerk of the corporation.

SEC. 10. The president and trustees shall in the month of June in each and every year, levy a tax on the property so assessed and returned by the assessor, and appoint a collector to collect the same, who shall take an oath of office, give bond and security to be approved of by the president and trustees, conditioned that he will faithfully discharge his duty, and pay over to the treasurer of said corporation all the money that may come into his hands as such collector, and shall hold his office for one year, unless sooner removed.

SEC. 11. The president and trustees shall cause the clerk to make out a fair copy of such assessment list, setting forth the amount of tax charged on each poll, and each item of property, and shall deliver the same to the collector on or before the fifteenth day of July, annually, and certify the amount of tax contained in such duplicate to the treasurer: Such duplicate so put into the hands of the collector, certified by the president and certified by the clerk, shall be sufficient authority for the collector to collect the taxes charged thereon.

SEC. 12. It shall be the duty of the collector to receive the amount of taxes due from each individual on or before the first Monday in October in each year, and in all cases where the taxes assessed are not paid by that time by any individual, it shall be the duty of the collector to proceed to collect the same by distress and sale of any of the personal property belonging to such delinquent subject to execution by the laws of the State, by giving ten days' notice of the time and place of sale, by advertisements set up in three of the most public places in said town.

SEC. 13. In all cases where the taxes due and owing cannot be made of the goods and chattels of such delinquent, it shall be the duty of the collector to make sale of the lots or fractions of lots belonging to such person, or so much thereof as will pay the tax and cost due, by giving three weeks' notice of such sale, by posting up advertisements in three of the most public places in said town, one of which on the court house door, describing said lots by number, together with the owner's name, if known, or the person's name to whom it is supposed to belong: The collector shall on the day of sale, by proclamation, proceed to sell the lot or lots to the highest bidder: *Provided*, Said lots shall not bring less than one-half its appraised value, then and in that case the owner of said lots shall have the privilege of redeeming the same at any time within two years from and after said sale of lots, by paying the amount due on said debt, with ten per centum damages thereon.

SEC. 14. It shall be the duty of the collector to make return of his proceedings within three days after the sale of any personal property or real estate aforesaid.

SEC. 15. All bonds given by the corporation, and all contracts entered into with the corporation, shall be in the name of "The President and Trustees of the Town of Greenfield," and all suits commenced for the benefit of the corporation, or where the corporation shall be the defendant, shall be in the name of "The President and Trustees of the Town of Greenfield," without setting forth the name of any member thereof.

SEC. 16. For the better government of the town, the president and trustees are hereby authorized to pass and adopt laws and ordinances for the suppression of immorality, intoxication, rioting, or whatever else may detract from the peace and good order of the said town: and for the purpose of carrying into effect the provisions of this act, the president and trustees are hereby authorized to appoint a marshal, who shall within the bounds of said corporation be a peace officer, and in the service of all process within the bounds of the corporation in which said corporation may be a party, the marshal shall have the same authority and be subject to the same responsibility as a constable.

SEC. 17. All laws and ordinances passed by the president and trustees of a public nature shall be published by setting up written or printed copies thereof in three of the most public places in the corporation, ten days before the same shall be in force: And it shall be the duty of the said president and trustees to fill all vacancies which may occur in the board: They shall cause a full statement of the expenditures of the past year, annually, on the first day of March, to be posted up in three of the most public places in said town.

SEC. 18. This act to take effect and be in force from and after its passage.

CHAPTER CXX.

An Act to change the names of Francis Anthony Fisher and Minerva Ridge to the names of Francis Anthony Greenwood and Minerva Greenwood.

[APPROVED JANUARY 6, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the names of Francis Anthony Fisher and Minerva Ridge, of Shawnee township, Fountain county, Indiana, be and the same are hereby changed to the names of Francis Anthony Greenwood and Minerva Greenwood.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CXXI.

An Act providing for the sale of school section in township twenty-five north, of range two east, for the term of ninety-nine years.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the trustees of township number twenty-five north, of range two east, in Cass county, be and they are hereby authorized to lease section sixteen, in said township, for the term of ninety-nine years, on such terms and conditions as they may deem proper and right.

SEC. 2. The said trustees shall have full power and authority to demand and receive the rent, and sue for the same, and they may and shall have full power and authority to loan the funds arising from such lease or leases, or to apply the same for the support of common schools, in accordance with the laws now in force.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CXXII.

An Act authorizing the trustees of school district number five, in township thirty-seven north, of range three east, in St. Joseph county, to levy a tax to build a school house.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the trustees of school district number five, in township thirty-seven north, of range three east, in St. Joseph county, be and they are hereby authorized to levy a tax upon the inhabitants of said district, not to exceed fifteen hundred dollars for the next two years, for the purpose of building a school house in said district.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CXXIII.

An Act to legalize the qualification of the sheriff of the county of Wabash.

[APPROVED JANUARY 14, 1847.]

WHEREAS, By the recent decease of the Hon. Joshua Simpson, late associate judge of the county of Wabash, there now remains but one associate judge in and for said county:

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the approbation by said surviving judge of the bond required by law of the appointee to the office of sheriff of said county, and the qualifications of said officer, which since said decease has been or which shall hereafter be made or done, shall be deemed to be and shall to all intents and purposes be valid, and that the acts of all officers therein, and of said appointee in his said office, be and they are hereby legalized.

SEC. 2. This act shall be in force from and after its passage.

CHAPTER CXXIV.

An Act relative to a certain school district in Hendricks county.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That a majority of the voters of school district number four, in township fourteen north, of range one west, in Hendricks county, present at any regular meeting held pursuant to the laws now in force, may authorize the using of the school house of said district for the purposes of Divine worship: *Provided,* That said privilege shall not be confined to any particular denomination of christians, but shall be extended to all: *And provided further,* That the same shall not be permitted to interfere with the schools taught in said district.

SEC. 2. This act shall be in force from and after its passage.

CHAPTER CXXV.

An Act to locate a State road in the counties of Grant and Madison.

[APPROVED JANUARY 18, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That Jacob Line and John Hummell, of the county of Grant, and Samuel Fennimore, of the county of Madison, be and they are hereby appointed commissioners to view, mark, and locate a State road, commencing at Robert Robbs' farm, in Madison county, running thence north on the county road as at present opened, until it intersects the Marion and Chesterfield State road, at the farm of Charles Baldwin, in Grant county.

SEC. 2. The said commissioners, or any two of them, shall meet at the house of Robert Robbs, in the county of Madison aforesaid, on the first Monday in April next, or so soon thereafter as may be convenient for them so to do, and after having taken an oath or affirmation faithfully and impartially to discharge the duties assigned them, shall proceed to view and locate said road agreeably to the points and courses designated in the first section of this act.

SEC. 3. The said commissioners shall, within thirty days after they shall have located said road as aforesaid, report to the county auditors of the counties of Grant and Madison, so much of said road as may be located in the respective counties of said auditors, which report shall be in writing, and be by said auditors laid before their respective county boards of commissioners, at their next session thereafter; and said county boards shall severally cause the said report, when so made, to be recorded, and order said road to be opened; and said boards of commissioners in the counties of Grant and Madison shall make such allowance to said commissioners as shall be reasonable, each county paying its proportion according to distance.

SEC. 4. This act to take effect and be in force from and after the first day of March next.

CHAPTER CXXVI.

An Act to legalize the election of trustees of the town of Vernon, Jennings county.

[APPROVED DECEMBER 22, 1846.]

WHEREAS, It has been represented to the General Assembly of Indiana that from the year 1839 to the year 1846, there was no election holden for trustees of the town of Vernon, in the county of Jennings: AND WHEREAS, Doubts have arisen as to the legality of the election of Alanson Andrews, Levi W. Todd, James Goodhue, Hickman New, and William Sanford as such trustees, on the ninth day of March, 1846: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the election of the aforesaid Alanson Andrews, Levi W. Todd, James Goodhue, Hickman New, and William Sanford as trustees of the town of Vernon, in the county of Jennings, is hereby legalized, and all the acts of said trustees, to all intents and purposes, as though elections had been holden annually for trustees in said town.

CHAPTER CXXVII.

An Act to relocate a portion of the State road in Carroll county.

[APPROVED JANUARY 18, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That a road shall be opened from the centre of section twenty-seven (27), in township number twenty-four (24) north, of range one (1) east, to the Michigan road, said road to pursue, as nearly as practicable, the line of said section eastward from the centre thereof.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CXXVIII.

An Act providing for the fees of Auditor of Hancock county.

[APPROVED JANUARY 22, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the board of commissioners of the county of Hancock be and they are hereby authorized and required to make such allowance out of the county treasury of said county to the auditor of said county, for his services in doing county business as to them shall seem just and reasonable: *Provided,* That the same shall not be a less sum than one hundred and seventy-five dollars.

SEC. 2. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CXXIX.

An Act to amend the charter of Cambridge City, Wayne county, Indiana.

[APPROVED JANUARY 22, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter it shall be lawful for the president and trustees of the town of Cambridge City, Wayne county, Indiana, to pass by-laws directing and requiring each owner or owners of any lot or parts of lots in said town to have the side walk in front of the same, and grade and gutter six feet of the street in front of such pavement.

SEC. 2. Such by-laws shall not be operative until thirty days' notice of the passage of the same shall be given by publication in some weekly newspaper printed and published in said town.

SEC. 3. Whenever the said president and trustees of said town shall desire any owner or owners of any such lot or lots, or parts of lots to pave and gutter the side walk street as provided in the first section of this act, they shall give to such owner or owners, if resident of Wayne county, Indiana, personal notice of such intention or desire, stating in such notice the time within which he, she, or they will be required to comply with the requirements of said first section, which notice may be served and returned by any constable of said county of Wayne, and if such owner or owners shall not reside in said county of Wayne, such notice may be given in any weekly newspaper printed and published in said town, or if no such

paper is published in said town, then by six written advertisements set up in the most public places in said town, for at least thirty days: *Provided further*, That personal notice shall not be required for the citizens of said town.

SEC. 4. If any owner or owners of any such lot or lots or parts of lots shall fail after due notice as above stated, given them to comply with the requisitions of the first section of this act, it shall be lawful for said president and trustees to levy a tax on such lot or lots or parts of lots as will be sufficient for the purpose of paving in front and guttering as heretofore set out, such tax to be collected as other corporation taxes are collected by the collector of said corporation: The said collector shall have power to sell such part or parts of lots as will be sufficient to pave and gutter in front of said lot or lots, by giving twenty days' notice of the time and place of such sale by publication in some weekly newspaper printed and published in said town, or by written advertisements set up in five of the most public places in said town: Said collector shall be allowed the same fees for collecting such taxes and making sale as are now allowed to the collector of said corporation.

SEC. 5. This act to be in force from and after its passage and publication in the "Indiana Journal."

CHAPTER CXXX.

An Act to allow persons to go to mill on the St. Joseph feeder with canoes and pirogues free of tolls.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter any person may navigate the St. Joseph feeder with canoes and pirogues going to and returning from mill free of tolls.

SEC. 3. This act to take effect and be in force from and after its publication.

CHAPTER CXXXI.

An act to repeal a certain act therein named, relative to performing labor on roads and highways in Orange county.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the act entitled "An act to change the mode of districting hands to perform labor on public roads in Orange county," approved December 30, 1845, be and the same is hereby repealed.

SEC. 2. This act shall be in force from and after its passage.

CHAPTER CXXXII.

An act authorizing the location of a State road in the counties of Kosciusko and Marshall.

[APPROVED JANUARY 18, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Thomas Reid and Samuel D. Hall, of the county of Kosciusko, and Samuel D. Tabor, of the county of Marshall, be and they are hereby appointed commissioners to lay out, mark, and locate a State road in the above named counties; and that they, or a majority of them, shall meet at the house of said Thomas Reid, in Kosciusko county, on the first Monday in July, 1847; which commissioners shall be governed by the laws in all things now made and provided in similar cases.

SEC. 2. That said commissioners, or a majority of them, shall lay out, mark, and locate a State road as follows, to-wit: Commencing at Leesburgh, in Kosciusko county, thence on the nearest and best ground to where the State road leading from Warner's mill in the county of Kosciusko to where the Michigan road crosses the Peru and Mishawaka State road, thence on the nearest and most practicable ground until it intersects the Michigan road in section thirty-one, township thirty-two north, of range three east, in Marshall county.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CXXXIII.

An Act for the relief of John Carter, a purchaser of saline lands, in Brown county.

[APPROVED JANUARY 27, 1847.]

WHEREAS, Many years ago John Carter purchased of the saline lands situated in Brown county, to-wit: section number thirty-one, at the price of one thousand three hundred dollars, three hundred and twenty-five dollars of which has been paid, and the interest on the residue: AND WHEREAS, By the weakness of the salt water and the price of salt, said Carter has been compelled to abandon said works: AND WHEREAS, About two-thirds of said section is wholly worthless for cultivation, and could never have been sold except in connexion with said salt works: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That upon the payment in full by the said John Carter for said section at the rate of one dollar and twenty-five cents per acre, he shall be entitled to a deed therefor.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CXXXIV.

An Act to authorize the receiving of road tax separate from other tax or taxes.

[APPROVED JANUARY 23, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it is hereby made the duty of the county treasurer of Delaware county to receive, credit, and give to the tax payer a receipt therefor, all or any road tax, when tendered to him, though it be tendered to him separate and apart from State and county taxes.

CHAPTER CXXXV.

An Act authorizing suits to be commenced in the Knox circuit court in certain cases.

[APPROVED JANUARY 26, 1847.]

WHEREAS, The president judge of the tenth judicial circuit and one of the associate judges of the Daviess circuit court is incompetent, from relationship, to try certain causes necessary to be instituted against the securities of two of the former surplus revenue agents of Daviess county: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That said suits may be instituted in the Knox circuit court in said causes, and that process issue to the said county of Daviess against the defendants, and for witnesses, and the said Knox circuit court be fully authorized and empowered to hear and determine said causes as other causes originating in said Knox circuit court.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CXXXVI.

An Act relative to road districts in the county of Huntington.

[APPROVED JANUARY 22, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the trustees of the several townships of the county of Huntington may, whenever necessary or convenient, make any river or rivers the boundary line or lines, or any part thereof, of any road district in said county.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CXXXVII.

An Act relative to swinging gates on highways.

[APPROVED DECEMBER 30, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the provisions of an act entitled "An act to authorize the placing of swinging gates on highways in Dearborn county," approved January 14, A. D. 1846, be and the same is hereby extended to the county of Hancock.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CXXXVIII.

An Act to repeal a part of section thirty-eight, chapter forty-seven, article fourth, [third] of the Revised Statutes of 1843, as far as St. Joseph county is concerned, and for other purposes.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That so much of section thirty-eight, chapter forty-seven, article fourth, [third] of the Revised Statutes of 1843 as prohibits justices of the peace to appear and act as agents of either party on the trial of a cause, unless he be an attorney at law, be and the same is hereby repealed, so far as the county of St. Joseph is concerned.

SEC. 2. That section nine, chapter nine, of article one, of the Revised Statutes of 1843 be and the same is hereby repealed.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CXXXIX.

An Act giving power to the commissioners of the sinking fund in a certain case.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the commissioners of the sinking fund be and they are hereby authorized to receive a mortgage from the present owner of the part of the land originally mortgaged by George W. Young to said fund, which was not sold for the balance due on said mortgage of said Young: *Provided,* The said commissioners are satisfied that such mortgage of said land will abundantly secure such balance to the State; otherwise additional or other land shall be mortgaged, to the satisfaction of said commissioners.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CXL.

An Act regulating the giving of notice in a certain suit in the Wayne circuit court.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be lawful for the Wayne circuit court to hear and determine, at the spring term thereof, 1847, any application that Mariah Hazzard may make for a divorce from Henry Hazzard, her husband, upon its being shown to such court that said Henry Hazzard is a non-resident of the State of Indiana, and that such notice as is usual in such cases had been published for four weeks successively before the first day of such term of said court.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CXLII.

An Act to amend an act and to extend the provisions of an act to Madison county.

[APPROVED JANUARY 22, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the citizens of Madison county be and they are hereby allowed the privilege of working their road tax in the road district where they may reside.

SEC. 2. This act to take effect and be in force from and after its passage; and the Secretary of State forthwith forward a copy of this act to the auditor of said county.

CHAPTER CXLIII.

An Act to legalize the election of mayor and common council in the town of Delphi.

[APPROVED JANUARY 26, 1847.]

WHEREAS, Doubts have arisen as to the legality of the election held in the several wards of the town of Delphi on the sixteenth day of January, A. D. 1847: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the said election for mayor and common council held in the several wards of the town of Delphi, on the sixteenth day of January, 1847, be and the same is hereby legalized in all respects.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CXLIII.

An Act to legalize the acts of the board of county commissioners of Sullivan county, and the auditor thereof, and for other purposes.

[APPROVED JANUARY 21, 1847.]

WHEREAS, It has been made known to this General Assembly of the State of Indiana that the board of county commissioners of Sullivan county, and the auditor of said county, did, at the last publication of delinquents for the non-payment of taxes in said county, strike off all names and taxes due from said delinquent list except non-residents, and there being doubts entertained as to the legality of the course pursued by them: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the acts of said board and auditor of said county be and the same are hereby legalized, or any other omission of duty in the premises.

SEC. 2. That hereafter the board of commissioners of said county shall have a discretionary power whether the publication of the delinquent list of said county shall hereafter be made as the law now provides, or by posting up as many manuscript advertisements as in their opinion will reach the desired object.

SEC. 3. The said board may hereafter direct the auditor of said county only to make out one duplicate, instead of two, if in their opinion the revenue would not suffer thereby.

SEC. 4. All acts and parts of acts coming within the purview of this act be and the same are hereby repealed: This act shall take effect and be in force from and after its passage.

CHAPTER CXLIV.

An Act to locate a State road in the counties of Wells and Adams.

[APPROVED JANUARY 18, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That John A. Deam and Thomas C. Burlin, both of the county of Wells, be and they are hereby appointed commissioners to view, mark, and locate a State road, commencing at the cross roads at John Higgins's, on the county line between the counties of Wells and Adams, running north with said county lines to the State

road leading from Lancaster, in Wells county, to Decatur, in Adams county; thence with said road till it crosses the prairie near John Grim's; thence north till it intersects a county road running north from the north-west corner of section three, of township twenty-seven north, of range thirteen east, in Adams county.

SEC. 2. The said commissioners shall meet at the house of John Higgins, in Wells county, on the first Monday in June next, or as soon thereafter as convenient, and after taking an oath faithfully to discharge their duties, shall proceed to lay out and mark said road, and shall be governed in all things pertaining thereto by the laws now in force relative to laying out roads and highways.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CXLV.

An Act to amend an act entitled "An act to incorporate the New Albany and Corydon turnpike company," approved January 20, 1846.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the several stockholders in said company, and their private property, shall be liable for the debts of the corporation only to the amount of stock by each of them respectively subscribed; and that the sixteenth section of said act be and the same is hereby repealed.

SEC. 2. That said company be and they are hereby authorized, upon the completion of five miles of said road, commencing at the New Albany terminus of said road, to erect a toll gate, and to establish, charge, and collect tolls of all persons using the same, at the rates authorized by the act to which this is an amendment.

SEC. 3. That a turnpike road within the meaning of said act is hereby defined to be a road opened not less than twenty-six feet wide, sixteen feet of which width shall be graded and McAdamized in such a manner as to secure a firm substantial and even road.

SEC. 4. That the maximum grade of the knobs on said road shall not exceed five degrees.

SEC. 5. That all parts of said act to which this is an amendment coming in conflict with this act be and the same are hereby repealed.

SEC. 6. This act to be in force from and after its passage.

CHAPTER CXLVI.

An Act to establish a certain State road in the counties of Allen and DeKalb.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That there shall be and there is hereby created a State road running from the town of Auburn, in the county of DeKalb, to the city of Fort Wayne, in the county of Allen, and commencing at the town of Auburn aforesaid, and running from thence in a south-easterly direction until it strikes the section line between sections sixteen and seventeen, in Jackson township, in said county of DeKalb; thence running on or as near said section line as practicable to the south-east corner of section twenty, in Cedar Creek township, in said county of Allen; thence running the most practicable route, to be determined by the commissioners for that purpose to be appointed, until it intersects the State road leading from Fort Wayne to Cedarville.

SEC. 2. That the board of commissioners of said counties of Allen and DeKalb shall each at their March term, A. D. 1847, appoint a suitable disinterested commissioner, whose duty it shall be to meet together in the town of Auburn aforesaid, on or before the first day of June, A. D. 1847, at such time as they shall agree upon, and after taking an oath before some justice of the peace faithfully and honestly to discharge their duties as such commissioners, to proceed to lay out and locate said State road, and the said commissioners shall have power to employ a surveyor and as many assistants as they shall deem necessary in laying out and locating said State road; and the said commissioners, surveyor, and assistants, should any be employed shall be allowed by each of said county boards such sum or sums as the said boards shall see proper to allow them for their services.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CXLVII.

An Act to incorporate the Decatur County Medical Society.

[APPROVED JANUARY 28, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Abraham Carter, John Ritchey, William Armington, John W. Moodey, John L. Armington, George W. New, Samuel C. Bartholomew, Lewis McAlister, and William Ardery, and their associates and successors, be and they are hereby constituted a body corporate and politic, with succession for twenty years, and shall be known by the name and style of "The Decatur County Medical Society," and by that name shall have power to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered unto in any court of law or equity, or before any justice of the peace; and may have and use a common seal, with power to alter or renew the same at pleasure.

SEC. 2. The said society may, in its corporate capacity, purchase or receive by gift, grant, or donation such books, maps, charts, philosophical and scientific apparatus and such other personal property as may be necessary and proper, and hold, use, and dispose of the same at pleasure, for the benefit of said society; and may also take, purchase, or receive by gift, grant, donation, devise or conveyance any real estate, and hold and enjoy, sell, convey, rent, or hire the same at pleasure for the benefit of said society: *Provided*, That the amount of real and personal property thus held by said society shall not at any time exceed in value the sum of five thousand dollars.

SEC. 3. That said society shall have power to form and ratify a constitution and by-laws, not inconsistent with the constitution or laws of the United States or of this State, for the government of said corporation, the management and regulation of its fiscal concerns, the admission of members, and appointment of its officers, together with such powers as are necessary and proper for the efficient direction and management of its concerns; and that said society may do and perform generally all such acts as usually pertain to associations formed for the promotion of scientific and professional improvement.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER CXLVIII.

An Act to establish a State road in Hamilton county.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Peter F. Lennen, Thomas Richardson, and Clement Passwater, of Hamilton county, be and they are hereby appointed commissioners to view, mark, and locate a State road, beginning at or near Fall creek, where the same crosses the line dividing said counties of Hamilton and Madison, and thence running north on or near said county line to where the same crosses White river, to intersect the State road leading from Indianapolis to Andersontown, Madison county.

SEC. 2. The said commissioners shall meet at Noblesville, on the second Monday in March next, or at any other time that will suit their convenience, and shall take an oath faithfully to discharge their duties as such commissioners, before some person authorized to administer oaths; and two of said commissioners shall form a quorum and may proceed as aforesaid.

SEC. 3. The said commissioners shall make a report to the county board at their next session thereafter; and said county board shall cause the said report when so made to be recorded, and order said road to be opened; and said board shall make such allowance to said commissioners as to them shall seem just and equitable; and the said commissioners are hereby empowered to have a surveyor and chain carriers, if they shall see cause so to do.

SEC. 4. This act to be in force from and after its passage.

CHAPTER CXLIX.

An Act for the relief of the inhabitants of district number six, in township number two north, of range two east, in the counties of Orange and Washington.

[APPROVED JANUARY 22, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the inhabitants of said district shall have and enjoy the privilege of sending to school, at the district school house now recognized by law, or at a school house at a place in said district called Millersburgh, which has been built on the lands of William

Dillard, senior, at their option; and shall be entitled to draw and receive their portion of the school funds; and the said last mentioned school house shall be to all intents and purposes considered as a district school house, so far as to entitle those sending thereto to receive their portion of the school funds.

SEC. 2. And all schools which shall or may be taught in either school house in said district above named shall be considered as district schools: *Provided, however,* That the same shall be taught by teachers having the proper certificate of qualification from the examiners of common schools: *And provided further,* That the teacher shall make the proper reports to the trustees of said district as is in other cases required by law.

SEC. 3. Those persons of adjoining townships or districts may be permitted to send to school to said school house at Millersburgh, and draw their portion of the school fund, by procuring the consent of the trustees of the township in which they reside, in writing; and the teacher in that case shall make his report as is now required to be made of the number of days taught each pupil in said school.

SEC. 4. All laws and parts of laws coming within the purview of this act, so far as relates to said district, be and the same are hereby repealed.

CHAPTER CL.

An Act fixing the fees of the auditor of the county of Randolph.

[APPROVED DECEMBER 18, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter the fees of the auditor of the said county of Randolph shall be four hundred dollars, exclusive of perquisites, and payable out of the treasury of said county.

SEC. 2. All former acts passed, so far as relates to the fees of said auditor, be and the same are hereby repealed.

SEC. 3. This act to be in force from and after its passage and publication in the "Indiana State Sentinel," and "Journal."

CHAPTER CLI.

An Act to locate a State road from Logansport to Marion, in Grant county.

[APPROVED JANUARY 18, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That Noah Vandever, of the county of Cass, Matthew Finnemore of the county of Miami, and Jonathan Seegar, of the county of Grant, be and they are hereby appointed commissioners to view, mark, and locate a State road as follows: Beginning at Logansport, in the county of Cass; thence on the nearest and best ground to Putterbaugh's mill, in said county of Cass; thence to Bush and Finnemore's mill, in said county of Miami; and from thence on the nearest and best ground until it intersects the Marion and Delphi State road, at or near Silas Broffett's, in Grant county.

SEC. 2. The said commissioners shall meet in Logansport, on the first Monday in March, 1847, or at any time thereafter upon which they shall agree, and after taking an oath faithfully and impartially to discharge their duties as such commissioners, proceed to view, mark, and locate said road; and should either of the said commissioners fail to attend at the time and place appointed, the other two shall proceed to lay out said road as if all the commissioners were present.

SEC. 3. The said commissioners shall, within twenty days after the location of said road, file a report of the same in the auditor's office of the counties of Cass, Miami, and Grant, and the said auditors shall lay the same before the boards doing county business in their respective counties; and it shall be the duty of the boards aforesaid to order said road, within their respective counties, to be opened according to the provisions of an act for the opening and repairing of highways.

SEC. 4. The boards doing county business in said counties of Cass, Miami, and Grant shall make such allowance to said commissioners, and the necessary surveyor and markers, as they shall deem reasonable, to be paid by the said counties of Cass, Miami, and Grant, in proportion to the distance that said road will run through the same.

SEC. 5. This act to take effect and be in force from and after its passage.



CHAPTER CLII.

An Act to quiet the titles of lands in Clark's Grant.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter no action shall be maintained, either in law or equity, to recover any lands situated within the district of country granted by the State of Virginia to General George Rogers Clark, and to the officers and soldiers of his regiment, commonly called Clark's or Illinois grant, from any person or persons holding and claiming such lands under tax titles, or under titles by deed executed and recorded from the officers and soldiers, or other person to whom such lands were originally allotted by the commissioners appointed under the law making said grant, or amendments or supplements thereto, or from their executors, administrators, or attorney in fact, or any of them, when such titles have been acquired in good faith, and such lands have been holden under such titles undisputed for thirty years, upon the ground of any defect or informality in the sale or conveyance, or any power of attorney, or other instrument, by authority of which any such sale or conveyance has been or attempted to be made by which titles have been acquired, or any defect in the taking or certifying of any acknowledgments of such instruments, or for the want of any acknowledgment, or on account of any legal disabilities of the person, officers, agent, or attorneys making such sale or conveyance, or in any other case whatsoever where such lands have been held quietly and peaceably under an adverse title for thirty years next preceding the commencement of said suit by the occupant or the person or persons from whom he may derive title, either in his, or their own right, or in the right of any person under whom he may claim.

SEC. 2. Nothing in this act shall be so construed as to repeal the present statute of limitations now in force in this State, but it shall be construed accumulative thereto, so far as relates to lands in Clark's Grant.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CLIII.

An Act for the relief of the purchasers of the saline lands in Orange county.

[APPROVED JANUARY 22, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter when any saline lands in the county of Orange may become forfeited or have already become forfeited for the non-payment of interest or principal due thereon by any purchaser or holder, the commissioner shall offer the same at public sale at the court house in Paoli, to the highest bidder, on such day as he may for that purpose appoint, and on such terms as are now prescribed by law, first giving six weeks' notice thereof by posting up written notices in three of the most public places in the township in which the land is situated and one at the court house door.

SEC. 2. Any person whose land has been or may hereafter become forfeited, shall have the right to redeem the same at any time before the same shall be resold, by paying to the commissioner all arrearages of interest or principal and all costs which may be due thereon according to the terms of the original sale of said land.

SEC. 3. At such sale as provided in the first section of this act, no land shall sell for a sum less than the entire amount of principal, interest, and costs due on said land; and if the same will not sell for such amount at public sale, the commissioner shall have power to sell the same at private sale, on like terms and credits as at public sale.

SEC. 4. The time for the payment of any portion of the principal for the purchase money of any such lands be and the same is hereby extended until the first day of January, 1856, by the purchasers or holders paying interest thereon annually in advance according to the terms of the original sale.

SEC. 5. When any lands have been or may hereafter be forfeited for the non-payment of interest or principal, it shall and may be lawful for the holder of the certificate of purchase of said land to apply to the commissioner of said lands, who shall have power to hear the testimony of witnesses, and if he deems the same expedient, to examine the lands in person and thereby ascertain what damage, if any, has been done to said land by the waste of timber, stone, or otherwise (and also the value of the use and occupancy of the same,) by the owner or those under whom he holds, and shall give to such applicant a certificate for the amount of money which may have been paid on said tract of land, deducting therefrom any amount of damage so as above ascertained, which certificate shall be assignable and shall be receivable in payment for the purchase of any of said saline lands, and shall be a good voucher for said commissioner.

SEC. 6. The holder of any original certificate of purchase who shall avail himself of the provisions of the last preceding sections,

shall be required to surrender to the commissioner such original certificate of purchase; and for the purpose of carrying into effect the provisions of this act, the said commissioner shall have power to administer all oaths which may be necessary: And for every such application and hearing, said commissioner shall be entitled to receive the sum of fifty cents, to be paid by the applicant.

SEC. 7. This act shall be in force from and after its passage; and all laws and parts of laws coming within the purview of this act be and the same are hereby repealed; and it shall be the duty of the Secretary of State to forward a certified copy of this act to the commissioner of saline lands in Orange county.

CHAPTER CLIV.

An Act for the benefit of Parke county seminary.

[APPROVED JANUARY 18, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That chapter eighty-two of the Revised Statutes of 1843, as far as the same is applicable to Parke county, be and the same is hereby repealed.

SEC. 2. That the money collected on every recognizance or forfeiture on a recognizance taken in said county, shall be regarded and held as belonging to the county seminary fund of said county, and shall be collected by the proper officer, and by him paid over to the proper person for the use and benefit of said seminary, and for no other purpose whatever.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CLV.

An Act for the relief of the estate of William N. Hood, deceased.

[APPROVED JANUARY 27, 1847.]

WHEREAS, The State of Indiana, for the use of the surplus revenue in and for the county of Miami, lately in the circuit court of said county obtained three several judgments, amounting together to —, against William N. Hood, now deceased: AND WHEREAS, there are a large amount of debts due and owing by said estate, which it will not be able to pay unless the lands belonging to said estate be sold at their full value, which the administrators of said estate have not been nor are they at this time able to do for cash: AND WHEREAS, The county commissioners of said county are not authorized by law to purchase or hold real estate for the payment of said debt: Now therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the county commissioners of the county of Miami be and they are hereby authorized, if they deem the same advisable, to purchase and hold such lands as they may select belonging to the estate of William N. Hood, deceased, at its appraised value, in discharge of all judgments due the surplus revenue from said estate, for the county of Miami.

SEC. 2. The title to said lands so purchased shall be taken in the name of the "county agent" of said county, who shall hold the same in trust for said county, and sell and convey the same as said board shall direct.

SEC. 3. Said board of commissioners are further authorized, should they purchase any canal lands on said judgments, to pay out of said fund the remainder of the purchase money and interest that may be due the State thereon.

SEC. 4. That said board may sell said lands, or any part thereof, from time to time as they shall think the interest of the said fund may require, and the proceeds of said sale or sales to be lent out as other portions of said fund now are.

SEC. 5. That said board shall not be responsible for any loss said fund shall sustain in the collection of said debt as herein provided, should the lands so taken fail to sell for the amount of said judgments with the interest due thereon.

SEC. 6. This act to be in force from and after its passage and publication in the "Indiana Journal," and "State Sentinel."

CHAPTER CLVI.

An Act declaring Little Blue river a public highway, in Rush county.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That so much of Little Blue river as lies north of the line dividing townships fourteen and fifteen, in Rush county, be declared a public highway.

SEC. 2. That the board doing county business in the county of Rush be and they are hereby authorized and directed to divide so much of said stream as is in the limits above described into districts, and to cause all persons subject to work on public highways who may reside within one mile of said public highway to work two days in each and every year.

SEC. 3. That any person or persons failing or refusing to comply with the provisions of this act, shall for every such failure forfeit and pay to the supervisor of such highway seventy-five cents, to be recovered in an action of debt before any justice of the peace in said county.

SEC. 4. Said commissioners are hereby further authorized to appoint one or more supervisors, whose duty it shall be to notify all and every person or persons, who are liable to work on said highway, at least three days before the day appointed to work; and to appropriate such money as may be in the hands of said supervisors from any delinquencies whatever.

SEC. 5. That the supervisors appointed in pursuance of this act shall be governed in all things (not in this act provided) by the laws now in force relative to supervisors of roads: And all persons owing labor in view of the provisions of this act, shall be subject to all the liabilities provided by the general laws on the subject of roads, except as in this act provided.

SEC. 6. This act shall be in force from and after its passage.

CHAPTER CLVII.

An Act for the relief of James Kitchens, of Gibson county.

[APPROVED JANUARY 18, 1847.]

WHEREAS, It is represented to this General Assembly that James Kitchens, of the county of Gibson, and State of Indiana, did, in the year 1843, sell to one Manoah Smith, of said county, a certain tract of land hereinafter described, for the purpose of providing for the more efficient support of his wife, who was then and is at this time insane: AND WHEREAS, From the aforesaid causes the said James Kitchens was and is not entitled to convey by deed in fee simple to the said Manoah Smith the said land, on account of the dower in the same not being legally assigned, and the said Smith being willing to take a deed, provided this General Assembly will authorize the said Kitchens to assign his wife's (Nancy) right of dower to him in the same: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the said James Kitchens be and he is hereby authorized and empowered to convey to the said Manoah Smith all the right of dower of the said Nancy Kitchens of, in, and to the south-east quarter of the north-east quarter of section number thirty-four, (34) in township number three (3) south, of range number eleven west, containing forty acres, in Gibson county, Indiana; said conveyance to be to all intents and purposes in as full and ample a manner as this General Assembly has the power to authorize and empower the said James Kitchens to convey the same.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CLVIII.

An Act to improve the roads in Centre township, in the county of Dearborn.

[APPROVED JANUARY 18, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be the duty of the trustees of Centre township, in the county of Dearborn, to meet on the first Monday in May of each year and agree upon and decide the amount that shall be assessed on the taxable property in said township for road purposes

for that year; and the clerk of said township shall certify the amount so agreed upon to the board of commissioners in said county of Dearborn at their June session thereafter.

SEC. 2. And it shall be the duty of the board of commissioners of said county to assess the amounts so certified to them on the taxable property in said township for road purposes: *Provided*, That said tax shall not be less than thirteen cents nor more than twenty-five cents on each one hundred dollars worth of taxable property in said township.

SEC. 3. And it shall be the duty of the county auditor to charge the amount so assessed for road purposes on the duplicate: And the treasurer of said county shall collect the same in cash, and at the general settlement shall pay the same, after deducting the usual percentage, to the township treasurer of said township, who shall hold the same, subject to the order of the board of trustees of said township.

SEC. 4. It shall be the duty of the trustees of said township to select a certain road in said township, and apply the money so received on that road, until the same is McAdamized and completed; and then select the next most important road in said township, and so on until all the important roads in said township are completed; and for the furtherance of this object, the said trustees shall have the power and authority to make contracts and enter into agreements with any person or persons, or appoint an agent for that purpose, and may receive donations or grants from any person or persons; and in selecting the roads to be improved, the trustees may have regard to the amounts of donations offered: And the said trustees shall have the power to change and make such alterations of the road districts in said township as they shall conceive necessary for the permanent improvement of the roads in said township.

SEC. 5. That the provisions of this act shall be and the same are hereby extended to each and all the townships in the county of Dearborn: *Provided*, The people of any township shall decide by a vote at any regular township or general election that they approve the same: And the trustees of said township being satisfied that a majority of the people of said township have voted for and approved said law, they shall make a record of said proceedings; and thereafter this act shall be in force in that township.

SEC. 6. This act to take effect and be in force from and after its passage and publication in the "Indiana Register," a newspaper printed and published in the town of Lawrenceburgh, in the county of Dearborn.

CHAPTER CLIX.

An Act requiring the supervisors of roads in Sullivan county to make report at the March term in each year, and for other purposes.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it is hereby made the duty of the several supervisors of Sullivan county hereafter to keep an account of the work done by each person, and the amount collected and expended, and make return thereof to the county board, at the March term in each year: And it is hereby made the duty of one of the judges of the April election in each year to make return of such election to the clerk of the county board, in the same manner that the return of the annual elections are made, and if the citizens of any township or townships shall fail or refuse to elect the requisite number of township officers, it shall be the duty of the clerk to fill all such vacancies by appointment (in vacation of the court); and it is hereby made the duty of said clerk to make out a certificate for each person elected or appointed, and within five days thereafter deliver them to the sheriff of said county; then said sheriff shall deliver the same to the proper person or persons within ten days after the receipt thereof.

SEC. 2. Hereafter it shall be the duty of each supervisor in Sullivan county, when they may need timber or other materials to repair roads or bridges, to call to his assistance two discreet freeholders, hands who work under him, and they three shall value any timber or other materials taken for the purpose aforesaid, the same to be made while working on the road, and any person or persons feeling themselves aggrieved by any such valuation, may have the same re-appraised by application to the board, by paying costs consequent to such re-appraisal; and each supervisor shall give the owner or owners of such timber or other materials used, a certificate for the amount of any and every such valuation: The amount of which shall be allowed by the board doing county business.

SEC. 3. The board of commissioners of said county shall hereafter say how much road tax is necessary, if any, to be levied for road purposes in said county from year to year, but in no case shall there be more than five cents on each one hundred dollars assessed.

SEC. 4. That any officer herein named who shall fail or refuse to perform any of the duties herein named, shall be subject to presentment or indictment, and on conviction thereof shall be fined in any sum not exceeding twenty dollars.

SEC. 5. That all acts and parts of acts contravening the provisions of this act be and the same are hereby repealed: This act to take effect and be in force from and after its passage.

CHAPTER CLX.

An Act to legalize the publication of the lands returned and remaining delinquent and sales thereof for taxes due thereon in the county of Shelby, for the years eighteen hundred and forty-four and forty-five.

[APPROVED DECEMBER 23, 1846.]

WHEREAS, The publication of the lands returned and remaining delinquent for taxes due thereon and the sale thereof, in the county of Shelby, for the years eighteen hundred and forty-four and forty-five was made by posting up a copy of the same in each county commissioner's district in said county, in compliance with the act of eighteen hundred and forty-four: AND WHEREAS, The law of eighteen hundred and forty-five and forty-six requires the boards doing county business in the several counties in the State at their September session in each year to cause an order to be entered on their records that the list of lands to be sold for the non-payment of taxes at the sale next succeeding such order shall be published in some newspaper of general circulation in said county, which law was overlooked in consequence of the same not having been indexed in said acts: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That publication by posting up a copy in each county commissioner's district recently made of the lands returned and remaining delinquent for taxes due thereon and the sales thereof in the county of Shelby for the years eighteen hundred and forty-four and forty-five, shall be deemed and taken and is hereby made a sufficient publication of said delinquent lands and sales thereof, and as effectual in law as though said publication had been made under the law of eighteen hundred and forty-five and forty-six; and that the sale or sales of so much of said lands as may be made in pursuance of said notice, and all certificates of sale and deeds which may be made or given by the proper officers at the proper time to any purchaser of said lands in pursuance thereof, are hereby declared and shall be as legal, valid and effectual to all intents and purposes, in all respects, as though said acts and things had been made and done according to said law of eighteen hundred and forty-five and forty-six.

SEC. 2. All laws contravening the provisions of this act are hereby repealed.

SEC. 3. This act to take effect and be in force from and after its passage; and the Secretary of State is hereby required immediately to forward to the treasurer and auditor of Shelby county, by mail or otherwise, a copy of this act.

CHAPTER CLXI.

An Act amendatory of an act entitled "An act for the relief of James S. Mayes, late school commissioner of Knox county," approved January 20, 1846.

[APPROVED JANUARY 18, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana.* That the act entitled "An act for the relief of James S. Mayes, late school commissioner of Knox county," approved January 20, 1846, be so amended that the board of commissioners of the county of Knox be and are hereby authorized and required to refund or cause to be refunded, out of the school funds of said county of Knox, to James S. Mayes, late school commissioner of Knox county, such sums of money as the said Mayes can prove to the satisfaction of said board of commissioners of the county of Knox that he, the said Mayes, lost by the depreciation of Illinois bank paper which he had received and had on hand as school commissioner, in the years 1840 and 1841.

SEC. 2. The said board of commissioners, in the investigation of said claim shall have all the powers of the circuit court in the summoning and enforcing the attendance of witnesses.

SEC. 3. All acts and parts of acts coming within the purview of this act be and the same are hereby repealed.

SEC. 4. This act shall be in force from and after its passage.

CHAPTER CLXII.

An Act to authorize Jonathan W. Elliott to use the water power at the Mount Pleasant Mills, in Noble county.

[APPROVED JANUARY 25, 1847.]

WHEREAS, It is represented to this General Assembly that Jonathan W. Elliott, some time previous to the year 1837, erected a dam and saw mill on a tributary of the Elkhart river, in Noble county, in this State, known as the Mount Pleasant mills: AND WHEREAS, In the year 1839 the said State took from said Elliott his mill privileges, thinking at the time that the water would in a short time be needed for a feeder to the Erie and Michigan canal: AND WHEREAS, Said canal has not been completed, but long since suspended operations: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That Jonathan W. Elliott be and he is hereby privileged and empowered to erect or re-build his said dam and mill and use said water power which was intended for a feeder for the said Erie canal as aforesaid, and the said Jonathan W. Elliott shall have the use of said water power or privilege especially for saw mill purposes, also to propel other machinery, if necessary, until such time as the said State shall want the same for the purpose aforesaid, and no longer.*

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CLXIII.

An Act fixing the salary of the auditor of Miami county.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That the auditor of Miami county shall be entitled to receive from said county the sum of four hundred dollars for his services as such auditor, for each and every year, which sum shall be in full for all compensation now received by said auditor: Provided, however, Nothing herein contained shall be so construed as to deprive said auditor of any perquisites paid by individuals.*

SEC. 2. That the said auditor shall continue to receive the fees and perquisites now provided for by law, for the use of said county, which fees shall be credited by the said auditor upon his salary, as provided in the first section of this act, a detailed statement of which fees and perquisites shall be kept by said auditor, and reported to the board of county commissioners, verified by the affidavit of such auditor.

SEC. 3. All laws and parts of laws coming within the purview of this act be and the same are hereby repealed.

SEC. 4. This act to take effect and be in force from and after its publication in the "State Sentinel," and "State Journal."

CHAPTER CLXIV.

An Act to amend an act entitled "An act to compel speculators to pay a road tax equal to that paid by actual settlers," approved January 31, 1842.

[APPROVED JANUARY 18, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That so much of the above entitled act as relates to the time for having road tax worked out previous to the first day of October be repealed, and the first day of November substituted in lieu thereof, so far as the county of Wells is concerned.*

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CLXV.

An Act defining the width of roads in the counties of Clinton and Tipton.

[APPROVED JANUARY 18, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That all public highways authorized to be opened by the boards of commissioners of the counties of Clinton and Tipton be confirmed, and where the width of said roads is undefined by the orders of said boards, that they be declared to be forty feet wide.*

SEC. 2. It is hereby made the duty of the supervisors of roads in said counties to open and improve all such roads running through their respective districts forty feet wide.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHAPTER CLXVI.

An Act for the benefit of citizens owning farms through which the Wabash and Erie canal passes.

[APPROVED JANUARY 28, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all citizens of this State owning or residing on farms through which the Wabash and Erie canal passes, shall have the privilege of driving wagons or other vehicles on the heel path or towing path of said canal when gathering their crops: *Provided,* That in no case shall any of the citizens aforesaid be allowed to drive their wagons or other vehicles along the heel path and towing path of said canal further than one-quarter of a mile: *And provided further,* That no injury is done to the heel path and towing path of said canal by their so doing.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CLXVII.

An Act for the relief of Henry Wells, Sheriff of Lake county.

[APPROVED JANUARY 22, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be lawful for the county commissioners of Lake county to make to Henry Wells, sheriff of said county, any such allowances as to them shall seem just and reasonable, to be paid out of any money in the treasury of said county not otherwise appropriated, for extra official services rendered by said Henry Wells on behalf of the said State of Indiana, in the year 1846.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CLXVIII.

An Act to change the name of Richardville county.

[APPROVED DECEMBER 28, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the name of the county of Richardville be and the same is hereby changed to [that of] Howard.

SEC. 2. Nothing in this act contained shall be so construed as to in any manner affect any of the rights or liabilities of said county, or any of the citizens thereof, but the said county shall be entitled, under the name of Howard, to all the rights and be subject to all the liabilities the present county of Richardville is entitled or liable to.

SEC. 3. This act to take effect and be in force from and after its passage; and it is hereby made the duty of the Secretary of State to forward a certified copy of this act to the clerk of the circuit court of said county.

CHAPTER CLXIX.

An Act to extend an act for the preservation of sheep, approved January 25, 1841, and the amended act thereto, approved February 9, 1843.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the act entitled "An act for the preservation of sheep," approved January 25, 1841, (see page 144,) and the act amendatory thereto, approved February 9, 1843, (see page 136,) be and the same are hereby extended to the county of Union.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CLXX.

An Act to prevent the spread of Canada thistles.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That any person or persons, owners or occupiers of any land within the counties of Steuben, Lagrange, Elkhart, St. Joseph, Laporte, Porter, or Lake, who shall hereafter knowingly allow the plant commonly called the "Canada thistle" to grow and mature or produce seed thereon, shall be fined in the sum of five dollars for each year in which such noxious plants shall be permitted to grow to maturity.

SEC. 2. In all prosecutions under this act, justices of the peace of the proper county shall have exclusive jurisdiction, saving to the defendants the right of appeal.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CLXXI.

An Act authorizing the county commissioners of Wells county to build a bridge

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the county commissioners of Wells county be and they are hereby authorized to build, in their discretion, and keep in repair the bridge across the Wabash river, at Bluffton, where the Cambridge City and Fort Wayne State road now crosses said river, and for this purpose may levy a tax on taxables in said county.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CLXXII.

An Act to amend an act entitled "An act to incorporate the mayor and common council of the town of Delphi."

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the common council of the town of Delphi be authorized and empowered to subscribe the sum of two thousand dollars to aid in constructing a side cut canal through or around said town.

SEC. 2. That said town council shall have power to levy a tax on all the taxable property in said corporation for the purpose of paying said subscription.

SEC. 3. This act to take effect and be in force from and after its passage; and all laws and parts of laws contravening the provisions of this act be and the same are hereby repealed.

CHAPTER CLXXIII.

An Act to legalize certain of the official acts of Solomon M. Semans, a justice of the peace of White River township, in Randolph county.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the official acts of Solomon M. Semans, a justice of the peace of Randolph county, be and the same are hereby made legal to all intents and purposes; and the filing of the official bond of said justice with the auditor of said county, instead of the clerk of the circuit court thereof, be and the same is hereby declared to be legal, any law of this State to the contrary notwithstanding.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CLXXIV.

An Act authorizing the board of commissioners of Monroe county to levy a tax for the construction and repair of bridges in said county.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the board of commissioners of the county of Monroe are hereby authorized to levy and collect such a tax as they may deem just and proper for the construction and repair of bridges and highways in said county of Monroe.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CLXXV.

An Act for the relief of Carey S. Goodrich.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the school commissioner of Randolph county be and he is hereby authorized and instructed to make to Carey S. Goodrich a good and sufficient deed, according to law, for so much of lots one and two of school lands in Randolph county, as the amount of principal and interest paid on the same by Goodrich and Brothers will pay for at the appraised value thereof.

SEC. 2. That the amount so paid as aforesaid may be applied towards payment for lot number one, and the said school commissioner is hereby authorized to make to said Goodrich a certificate for the same, and to give him such additional time to pay out the residue as to him may seem proper, leaving lot number two subject to entry.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CLXXVI.

An Act relative to grand juries in the county of Washington.

[APPROVED JANUARY 22, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That no grand jury in the county of Washington shall pass upon any complaint or information of which it has cognizance by law, and which shall be made to it, without the court, in its discretion, shall order to the contrary on the application of such grand jury, unless such complaint or information shall be made within the first two days of its session: *Provided, also,* That this restriction shall not apply to the cases of prisoners in jail who may otherwise be detained in jail until the next session of a grand jury.

SEC. 2. All acts and parts of acts contravening the provisions of this act are hereby repealed, as far as they apply to the said county of Washington.

SEC. 3. It shall be the duty of the circuit court to give this act in charge to the grand juries of said county of Washington, and the Secretary of State shall forward a copy of this act to the clerk of the circuit court of said county immediately.

SEC. 4. This act shall be in force and have effect from and after its passage.

CHAPTER CLXXVII.

An Act to establish a certain State road therein named.

[APPROVED JANUARY 22, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That David Foster and Andrew Barngrove, of the county of Richardville, and Andrew Watts, of the county of Carroll, be and they are hereby appointed commissioners to locate and mark a State road, commencing at the town of Kokomo, in said county of Richardville, thence by the nearest and best route to intersect the Burlington and Lafayette State road, at the town of Burlington, in Carroll county.

SEC. 2. The said commissioners shall meet at Kokomo at such time as they shall agree upon, and shall proceed, after having taken the oath of office, to locate and mark said State road, and shall report the same to the boards doing county business in the counties of

Richardville and Carroll, according to the laws now in force, and the said boards of county commissioners shall allow the said locating commissioners and the necessary chain carriers and markers a reasonable compensation for their services.

SEC. 3. That an act entitled "An act to establish a certain State road therein named," approved January 19, 1846, be and the same is hereby repealed.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER CLXXVIII.

An Act to authorize Gabriel Johnson to build a mill dam across the Mississinnewa river, in Grant county.

[APPROVED JANUARY 22, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Gabriel Johnson, of Grant county, Indiana, be and he is hereby authorized to erect a mill dam across the Mississinnewa river, in section twelve, township number twenty-three north, of range eight east, in the county of Grant aforesaid, which mill dam shall not exceed three and one-half feet in perpendicular height.

SEC. 2. The heirs or assigns of the said Gabriel Johnson shall be entitled to all the rights, privileges, and benefits in this act conferred upon said Gabriel Johnson, and they and each of them shall in every particular be governed by the provisions of this act.

SEC. 3. The said Gabriel Johnson, his heirs, or assigns, shall be entitled to all the benefits of the writ of *ad quod damnum*, to condemn the lands necessary for his use to build said dam.

SEC. 4. This act to be in force from and after its passage.

CHAPTER CLXXIX.

An Act to extend the jurisdiction of justices of the peace in Lagrange county.

[APPROVED JANUARY 22, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all actions of debt and assumpsit coming within the jurisdiction, of a justice of the peace may be prosecuted before any justice of the peace in the township where the debt was contracted or where the defendant may reside at the election of the plaintiff.

SEC. 2. So much of the provisions of the fourth section of chapter forty-seven of the Revised Statutes as contravenes the provisions of this act be and the same are hereby repealed, so far as relates to the county of Lagrange.

SEC. 3. That so much of section one hundred and seventy-five, of chapter forty-seven, of the Revised Statutes as is embraced in subdivisions number one of said section, be and the same is hereby repealed, so far as it relates to the county of Lagrange.

SEC. 4. This act to take effect and be in force from and after its passage, and to extend to the county of Lagrange only.

CHAPTER CLXXX.

An Act providing for the election of township assessors in Hancock county.

[APPROVED JANUARY 22, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the law as relates to the election of county assessors in this State is hereby repealed, so far as it relates to the county of Hancock.

SEC. 2. That it shall hereafter be lawful for the qualified voters of each township in said county of Hancock to meet at the usual place of holding elections on the first Monday in April, annually, for the purpose of electing an assessor in each township, which said elections shall be governed by the same rules and regulations heretofore governing elections for members of the General Assembly.

SEC. 3. Said assessors, when so elected, shall give bond, payable to the State of Indiana, in the penal sum of five hundred dollars, to be approved of by the county auditor, and before said assessor shall enter upon the discharge of the duties assigned him, he shall take an oath before some justice of the peace in said county to faithfully and

impartially discharge the duties of said office, and be governed by all the laws now in force governing county assessors.

SEC. 4. Said assessor, when so elected and qualified, shall be required by this act to return a list of all the taxable property in his respective township to the auditor of said county, on or before the first Monday in June; and said assessor shall be allowed the sum of one dollar per day, to be verified by the oath of said assessor.

SEC. 5. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SEC. 6. This act to be in force from and after its passage.

CHAPTER CLXXXI.

An Act authorizing the sale of section sixteen, in township number twenty-seven north, of range seven east.

[This act became a law in consequence of the Governor's not returning it to the House within five days after it was presented to him for approval. JOHN H. THOMPSON, Sec. State.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the auditor and school commissioner of Wabash county are hereby required to offer for sale section number sixteen, in township number twenty-seven north, range number seven east, in said county, on the first Saturday in May next.

SEC. 2. Said auditor and commissioner, in the sale of said land, shall be governed by the laws now in force regulating the sale of school lands, and shall proceed to sell said section in the same manner as they would be required to do, had a majority of the qualified voters of said townships voted to have the same sold in the manner prescribed by law.

SEC. 3. This act to be in force from and after its passage and publication in the "Indiana State Journal," and "Indiana State Sentinel," and a copy of either of said papers filed with the auditor and school commissioner aforesaid.

CHAPTER CLXXXII.

An Act to vacate certain alleys in the town of Bloomington.

[APPROVED JANUARY 18, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the alleys running east and west and north and south between lots numbered one, two, three, four, five, six, seven, and eight, in the south-east corner of the town of Bloomington, Monroe county, be and the same are hereby vacated.

SEC. 2. That the street and alley between out lots in the north part of Bloomington, number thirty, thirty-one, thirty-two, and thirty-three, be and the same are hereby vacated.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CLXXXIII.

An Act authorizing the commissioner of the reserved township of college lands, in Monroe county, to make a deed to certain lots therein named.

[APPROVED JANUARY 25, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the commissioner of the reserved township of college lands in Monroe county, is hereby authorized and empowered to make a deed to Catharine Owens, or her assignees, to seminary out lots adjoining the town of Bloomington, number one, two, three, ten, eleven, and twelve, upon the said Catharine Owens executing to said commissioner a mortgage on lot number two hundred and twenty-five, in the town of Bloomington: *Provided,* Said commissioner should deem said lot ample security for said balance due on lots number one, two, three, ten, eleven, and twelve.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CLXXXIV.

An Act to repeal an act entitled "An act for the relief of the citizens of district number three, in Congressional township number twenty-eight north, of range number three east, in Adams township, Cass county," approved January 15, 1846, and for other purposes.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the above recited act be and the same is hereby repealed, and the law or subject referred to in said act in the Revised Code of eighteen hundred and forty-three be and the same is hereby revived in said school district.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CLXXXV.

An Act to repeal an act regulating road tax in the county of Jasper.

[APPROVED JANUARY 22, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the act entitled "An act making the road tax on land in certain counties uniform," approved January fifteenth, one thousand eight hundred and forty-four, be and the same is hereby repealed, so far as the county of Jasper is concerned in said act.

SEC. 2. *Be it further enacted,* That all laws and parts of laws regulating the assessment of road tax now in force as general laws of this State, be in full effect and force in the county of Jasper.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CLXXXVI.

An Act to legalize the marriage of Celia Lowder and Henry Perdue, of Daviess county.

[APPROVED JANUARY 22, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the bonds of matrimony heretofore entered into between Celia Lowder and Henry Perdue, of Daviess county, be and the same are hereby legalized.

CHAPTER CLXXXVII.

An Act to constitute Carlisle and vicinity a road district, number —.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the town of Carlisle, embracing the entire town plat, and also one-half mile, from said plat south, one-half mile east, one-half mile north, and one-half mile west from said town plat shall constitute and form road district number —, in Haddan township, Sullivan county.

SEC. 2. The hands in said town and territory before named shall work and keep in good repair all the streets of said town, and roads in said road district.

SEC. 3. The supervisors and hands in said road district shall in all respects be governed by the road laws that shall be in force in said county.

SEC. 4. This act to take effect and be in force from and after the first day of March next.

CHAPTER CLXXXVIII.

An Act to more particularly define the boundary line between the counties of Gibson and Warrick.

[APPROVED JANUARY 18, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the following described line shall form and be the boundary line between the counties of Gibson and Warrick, so far as said counties lie contiguous to each other, to-wit: Beginning at the north-east corner of Vanderburgh county; thence running east to the south-east corner of section fifteen, in township four south, of range nine west; thence north to the north-east corner of section three, in township four south, of range nine west; thence east with the township line dividing townships three and four south, to the south east corner of section thirty-two, in township three south, of range eight west; thence north to the north-west corner of section twenty-one, in township three south, of range eight west.

CHAPTER CLXXXIX.

An Act to provide for the election of an additional justice of the peace in Jackson township, Wayne county, Indiana.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be lawful for the qualified voters of Jackson township, Wayne county, Indiana, to elect an additional justice of the peace for said township, who shall reside and keep his office in Germantown, in said township: *Provided*, That before such election such notice of the time and place thereof shall be given as is required to be given of elections held to fill vacancies.

SEC. 2. This act to be in force from and after its passage; and the Secretary of State shall forward a certified copy of this act to the clerk's office of Wayne county.

CHAPTER CXC.

An Act authorizing the Governor to contract for the completion of the State Prison, and for other purposes.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Governor is hereby required to make and execute on the part of the State, with some good and responsible person or persons, on terms the most advantageous to the State, for the completion of the new State Prison, and for the erection and construction of a "keeper" and "warden's" dwelling, upon the plan contained in the draft of the same, submitted with the plan or draft of the new State Prison, or upon such other plan as he may be pleased to adopt, and for the erection of such buildings and workshops as are yet necessary or expedient to be erected for the utility and advantage of said prison, at the earliest practicable period, the terms and prices to be agreed on in said contract not to exceed those fixed and estimated by certain commissioners directed by a joint resolution of this House to make such estimates.

SEC. 2. It shall be the duty of the Governor to require of the contracting party, for the completion of said prison, to make and execute a bond for the faithful compliance with the terms of said contract, in a penalty of double the amount of said estimates, with good and sufficient surties to be approved by him, which, when signed and approved, shall be filed in the office of the Secretary of State.

SEC. 3. A superintendent of said work on the part of the State, shall be appointed by the Governor, and removable at his pleasure, who shall take an oath before some officer authorized to administer oaths, for the faithful and impartial discharge of his duty, and shall be allowed for his services two dollars per day, while so employed.

SEC. 4. It shall be the duty of said superintendent to supervise said work, and see that the same is done in accordance with the specifications of said contract, and to notify the contractor in case of any deviation therefrom, that such deviation, so far as it extends, will not be recognized or accepted by the State, and shall report all matters of dispute to the Governor.

SEC. 5. It shall be the duty of the warden of the State Prison to take charge of the old prison, as soon as the new one shall be completed, and rent and lease the same on the best terms he can obtain, not exceeding five years.

SEC. 6. The sum of three thousand dollars is hereby appropriated out of any moneys in the State treasury not otherwise appropriated, to be placed under the control of His Excellency the Governor, to be used by him in carrying out the provisions of this act.

SEC. 7. Should the present lessee of the said prison become the contracting party for the completion and erection of said buildings, the said superintendent shall, on the first day of July next, make out an estimate of the work done under such contract, for the amount of which estimate, the said lessee shall be entitled to a credit on the amount due from him to the State, for the rent of said prison, and on full compliance on the part of said lessee with the terms of such contract, the further amount due to him on account thereof shall in like manner be credited on any such rent due from him to the State.

SEC. 8. It shall be the duty of the warden of the State Prison, on the 21st day of June, in each year, to report to the Governor the amount paid by the lessee to the discharged convicts, agreeably to the laws on that subject, which amounts shall be placed to the credit of the lessee.

SEC. 9. The warden shall further direct the lessee to make any repairs that may be necessary upon the old prison, to prevent the same from going to decay, and such repairs, when made, and the amount of such necessary repairs shall in like manner be reported to the Governor, and shall also be placed to the credit of said lessee.

SEC. 10. This act shall take effect from and after its passage.

CHAPTER CXCI.

An Act to locate a certain road therein named.

[APPROVED JANUARY 22, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Elsey Lank of Randolph county, and Ezra M. Doughty and William Brumback of Wayne county, be and they are hereby appointed commissioners to view and locate a State road leading from Unionport, in Randolph county, to Hagerstown, in Wayne county; said road to commence at Unionport aforesaid, thence running south to intersect the boundary line on the south line of section twenty, township nineteen, range thirteen east, in the county of Randolph aforesaid, thence following said boundary line to the line between the said counties of Wayne and Randolph, thence the nearest and best route to Hagerstown aforesaid.

SEC. 2. That said commissioners shall meet at Unionport aforesaid, on or before the first day of July next, and after having taken an oath faithfully and impartially to discharge the duties assigned them, shall proceed to view and locate said road agreeably to the points and courses designated in the first section of this act.

SEC. 3. The said commissioners shall, within thirty days after they shall have located said road as aforesaid, report to the county auditors of said counties so much of said road as may be located in the respective counties of said auditors, which report the said auditors shall lay before their respective county boards at their next session thereafter, and said county boards shall severally cause said report, when so made, to be recorded, and order said road to be opened; and said county boards shall severally make to such commissioners such compensation as shall be reasonable, to be paid by each county according to the distance which it extends in each county.

SEC. 4. This act to be in force from and after its passage.

CHAPTER CXCI.

An Act for the relief of John Williams of Washington county.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That on payment on or before the first day of March, 1847, of all interests and costs that may have accrued due up to that time, by John Williams of Washington county, his legal representatives, or assigns, on the arrears of purchase money yet unpaid upon the east half of the northeast quarter of section fifteen, in township two north, of range four east, of the saline reserve of Washington county, also the west half of said quarter section, any forfeiture that may heretofore have been suffered, or that may be suffered up to the time aforesaid, is hereby released and discharged.

SEC. 2. The time for payment of the principal or purchase money due for said lands is hereby extended to said Williams, his legal representatives and assigns as follows: that part of the one third which accrued due on the 25th day of December, 1846, yet unpaid until the 25th day of December, 1847, the remaining two payments for one year each from and after the time they shall respectively accrue due: *Provided, however*, That the interest of said principal or purchase money shall be paid as the same shall become due, according to the terms of the original contract of sale after said first day of March, 1847.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CXCIH.

An Act to change the name of Ann Amanda Woodward.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the name of Ann Amanda Woodward of Goshen, in the county of Elkhart be, and the same is hereby changed to that of Anna Woodward Kedzie.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CXCIH.

An Act in relation to a school district in Lagrange county.

[APPROVED JANUARY 28, 1847.]

WHEREAS, The board doing county business in Lagrange county, in this State, were about to cause to be erected a building for a county seminary: AND WHEREAS, Also, the inhabitants of school district number three, congressional township number thirty-seven north, of range ten east, in said county, were also desirous of building a district school house. To save expense, it was agreed between the aforesaid parties, that the inhabitants of said district should build a basement story to said seminary building about to be erected, for the use of said district, for a district school house: AND WHEREAS, The inhabitants of said district have built the basement story to said seminary building, for the purpose aforesaid: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the proceedings of the above named parties be and the same are hereby legalized, and that the basement story of said seminary building, shall be to all intents and purposes the district school house for said district.

CHAPTER CXCV.

An Act to locate a State road in the counties of Howard, Miami, and Madison.

[APPROVED JANUARY 28, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Ross Mobray, of the county of Miami, and Evan Ellis, of the county of Madison, and David Baly, of the county of Howard, be and they are hereby appointed commissioners to view, locate, and mark a State road as follows, to-wit: Beginning at the south end of the Wabash bridge, at Peru, in the county of Miami, thence on the nearest and best ground, by way of Fennimore and Bush's mills, on Big Pipe creek, to Alexandria, in Madison county.

SEC. 2. The said commissioners shall meet in the town of Peru, on the first Monday in May next, or any subsequent day thereafter that they may agree upon, and proceed to take an oath before some person authorized to administer the same, for the faithful discharge of their duties as such commissioners to view and locate said road as aforesaid.

SEC. 3. The said commissioners shall, within twenty days after the location of said road, file a report of the same in the auditor's office in each of the counties of Miami, Howard, Tipton, and Madison, and the said auditors shall lay the same before the boards doing county business at their first term thereafter; and it shall be the duty of said boards to order so much of the said road as lies within their respective counties to be opened any width not exceeding fifty feet, and made agreeable to and under the provisions of an act for opening and repairing public roads and highways.

SEC. 4. That the boards doing county business in Miami, Howard, Tipton, and Madison, shall make such allowances to said commissioners for their services, as they shall deem just and reasonable.

SEC. 5. This act to take effect and be in force from and after its passage.

CHAPTER CXCVI.

An Act for the relief of the administrators of the estate of Enoch Barlow, late of Hendricks county, deceased.

[APPROVED, JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the administrators of the estate of Enoch Barlow,

late of Hendricks county, deceased, or either of them, be and they are hereby authorized to sell at public auction on the premises, to the highest bidder, for cash in hand, all the town lots in the town of Michigantown, in Clinton county, Indiana, of which said Enoch Barlow died seized, without any regard to any valuation or appraisement thereof heretofore made; the said administrators or administrator first advertising said sale, in accordance with the statute regulating the sales of real estate made assets in the hands of executors or administrators for the payment of debts.

SEC. 2. Report of such sale shall be made to the proper probate court, subject to the confirmation or disapproval of said court; and if said sale be confirmed, said court shall order that some suitable person be appointed a commissioner to execute and deliver a deed of conveyance to the purchaser as in other cases.

SEC. 3. The proceeds of such sale or sales shall be assets in the hands of said administrators for the payment of debts outstanding against said estate.

SEC. 4. This act shall be in force from and after its passage.

CHAPTER CXCVII.

An Act to amend an act entitled "An act to relocate a portion of the State road leading from Greenfield, Hancock county, to Lebanon, in Boone county," approved January 15, 1846,

[APPROVED JANUARY 18, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That Ambrose G. Ruddle be and he is hereby appointed commissioner to view, mark, and locate said road according to the provisions of the act to which this is an amendment.

SEC. 2. The said commissioner is hereby required, on or before the first day of February next, after having taken the oath required by law in such cases, to proceed to view, mark, and locate such road, and forthwith thereafter report his proceedings thereon to the county commissioners' court of Marion county.

SEC. 3. The said board shall make such allowance to said commissioner as they shall deem right and just for such services, and shall forthwith direct the supervisors of the several road districts through which the same shall pass, to open said road the usual width, so soon as the laws now in force shall allow of the same.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER CXCVIII.

An Act for the relief of James Boyer, of Clark county.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the acts of James Boyer, as agent for the Surplus Revenue Fund, in Clark county be, and the same are hereby legalized: *Provided,* Nothing in this act shall be construed to release said agent, or his sureties, from any liabilities he may have incurred while acting as such officer.

CHAPTER CXCVIX.

An Act to incorporate the Kosciusko Medical Society of Kosciusko county, Indiana.

[APPROVED JANUARY 21, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That R. Willard, Richard M. Kendall, William Parks, Edward Parks, A. B. Carihfield, W. F. Taylor, and G. W. Tosdick, and their associates, together with such as may hereafter be associated with them be, and they are hereby, created a body corporate and politic, with succession for thirty years, by the name and style of "The Kosciusko Medical Society of Kosciusko county, Indiana;" and by that name may sue and be sued, plead and be impleaded, in all courts of law and equity, may have a common seal, and the same to alter at pleasure; shall be capable of holding personal or real estate, by gift, grant, or devise; may sell, dispose of, and convey the same, provided the value thereof shall not exceed twenty thousand dollars; and the same shall be devoted exclusively to the object of promoting and elevating the science of medicine and its collateral branches: *Provided,* That no part of said funds, or income thereof, shall at any time directly or indirectly be employed in banking; nor shall said society issue certificates of deposit, drafts, or any other evidence of indebtedness, calculated or intended to circulate as currency, under the penalty of an absolute forfeiture of this act.

SEC. 2. That they shall have power to form and ratify a constitution and by-laws for the government of said corporation, the management and regulation of its fiscal concerns, and admission of members, and appointment of its officers, together with such powers as

are necessary and proper for the efficient direction and management of its concerns.

SEC. 3. The incorporation, and such other persons as may hereafter be associated with them, shall be deemed and held individually liable for all the debts of the Society.

SEC. 4. Any future Legislature may alter, amend, or repeal this act: *Provided*, Such alteration shall in no wise affect the title of any property conveyed or acquired under its provisions.

SEC. 5. That at any time after the passage of this act, when a sufficient number of persons have associated themselves together under its provisions, after having given ten days' notice of the time and place of holding the first meeting, they may proceed to organize by electing such number of directors and other officers as may be deemed necessary for the management of said Society, and such officers, when so chosen, shall hold their respective offices for one year, and until their successors are elected and qualified.

SEC. 6. This act to take effect and be in force from and after its passage.

CHAPTER CC.

An Act to establish a State road in the county of Dearborn.

[APPROVED JANUARY 18, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That John Maston, George Cornelius, and Samuel P. Johnson, of the county of Dearborn be, and they are hereby, appointed commissioners to view, mark, and locate a State road, commencing at the town of Aurora, in said county, and running on or near the route formerly surveyed by the Aurora and Napoleon Turnpike Company, until it strikes the line dividing Dearborn and Ripley counties.

SEC. 2. The said commissioners shall meet some time between the first day of March and the first day of June, 1847, at the said town of Aurora; and after taking an oath faithfully to discharge the duties required of them by this act, may employ a surveyor, if in their opinion it is necessary to the performance of their duties, and proceed to locate said road; and after having located said road, they shall report the metes and bounds of the same to the board of commissioners of the county of Dearborn.

SEC. 3. It shall be the duty of the commissioners of said county, upon the filing of the report of the commissioners appointed to locate said road, to make an order, and have the same entered upon the record book of said board of commissioners for the opening of said road, not less than forty-five nor more than fifty-five feet wide.

SEC. 4. The said board of commissioners of the county of Dearborn, shall allow the said commissioners appointed by the first section of this act, and the surveyor and chain carriers, a reasonable compensation for their services, which shall be paid out of the county treasury of said county.

SEC. 5. Nothing in this act shall be so construed as to interfere with any chartered privileges heretofore granted to the said Turnpike Company, nor to prevent said commissioners from locating said road through the town of Mooreshill, if in their opinion the public good requires the same.

SEC. 6. This act to be in force from and after the filing a copy thereof in the auditor's office in the county of Dearborn.

CHAPTER CCI.

An Act to repeal an act, entitled "An act for the relief of the people of Noble, Lagrange, Steuben, and DeKalb counties," approved January 31, 1843.

[APPROVED DECEMBER 29, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of an act, entitled "An act for the relief of the people of Noble, Lagrange, Steuben, and DeKalb counties, approved January 31, 1843," be, and the same is hereby repealed, so far as the same relates to the county of Lagrange.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCII.

An Act to legalize the acts of masters in chancery in the county of Huntington.

[APPROVED JANUARY 18, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all acknowledgments of deeds heretofore taken by masters in chancery within the county of Huntington, and State of Indiana be, and the same are hereby legalized and confirmed.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCIII.

An Act for the improvement of a certain road in the counties of Delaware, Blackford, Wells, and Huntington.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the following described road shall hereafter be and is hereby declared to be a free turnpike road, as follows, to-wit: Beginning at the mouth of Shearon's lane, in Delaware county, on the road running from Marion to the ninety mile stake, thence north-westerly, on the present county road, to the line of Blackford county, to the line dividing sections two and three, in township twenty-two north, range ten east, thence on the said section line north with said road to Hartford, thence on the aforesaid section line north with said road until it intersects the Warren and Hartford State road, thence with said State road, to Warren, in the county of Huntington.

SEC. 2. That for the improvement of said road it is hereby made the duty of the several county auditors, in the counties through which said road passes, to make out a list of all lands lying within one mile of said road, with the amount of taxes thereon assessed, for the improvement of roads and highways, and deliver the same to the supervisors of the several districts through which the said road passes, on or before the first Monday of August annually.

SEC. 3. And it is hereby made the duty of the supervisors in those districts through which said road passes, to notify at a suitable time all persons residents on said two miles, to be and appear on said road, at such time and place as he may direct, for the discharge of said taxes, under the prices now allowed by law in those counties respectively: *Provided*, Such time shall be prior to the first of October annually.

SEC. 4. That all assessments made, and all road taxes levied on the above two miles in the several counties through which said road passes, (except the two days' personal privilege), and not discharged by labor as above provided, shall be paid into the county treasury, for the use and benefit of said road, to be applied and expended under the direction of the supervisors having charge of said districts on said road, prior to the first of October annually.

SEC. 5. All acts and parts of acts coming within the purview of this act be and the same are hereby repealed.

SEC. 6. This act to be in force from and after its passage.

CHAPTER CCIV.

An Act to incorporate the trustees of the Underwood Burying Ground.

[APPROVED JANUARY 18, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That John Allen, Hardin Weatherford, and John Rea, and their successors in office, shall be, and they are hereby created a body politic and corporate, by the name, style, and title of "The trustees of the Underwood Burying Ground," and shall have power to contract and be contracted with, sue and be sued, in any and all matters relating to the burying ground hereinafter mentioned, and as such trustees shall have perpetual succession.

SEC. 2. Said trustees shall have power to hold to themselves and their successors in office for a burying ground, all that certain tract or parcel of land lying in Jefferson county, and State of Indiana, which was conveyed by C. T. Lodge to them as such trustees, by deed dated on the 17th day of September, 1845, being a small fraction of the northeast quarter of section twenty-three, township four north, of range ten east, and to have power over the same in laying it off for a burying ground, and directing its use as such burying ground, for the neighborhood, with power to protect it from violence or abuse, and to make all suitable rules and regulations, such as they may think necessary for its enclosure, and to make it useful, convenient, and desirable for such a burying ground.

SEC. 3. On the vacation of either or all the offices of said trustees or their successors, either by a refusal to accept the office or removal from the county, resignation, death or otherwise, the board doing county business for the county of Jefferson shall, at any time when in session, fill such vacancy or vacancies, and said ground so conveyed to said trustees shall never revert to the heirs of any such trustees, but shall continue as a burying ground forever.

SEC. 4. This act to be in force from and after its passage.

CHAPTER CCV.

An Act to amend the act incorporating the town of Connersville, in the county of Fayette, approved February 15, 1841.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the president and trustees of the town of Conners-

ville are hereby invested with authority to include within the limits of said town so much of the suburbs thereof and territory adjacent to the several plats of the town, which now are, or may hereafter be duly recorded, as to them may from time to time seem most conducive to the public good.

SEC. 2. This act shall be deemed a part of the charter of said town, and shall be in force from and after its passage.

CHAPTER CCVI.

An Act allowing John Briggs a certain sum for his attendance as a witness in the Johnson impeachment case.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the sum of fifty-five dollars is hereby appropriated out of any moneys in the treasury of the State not otherwise appropriated, and the Treasurer of State is hereby directed to pay the same to John Briggs for attendance as a witness in the case of the prosecution of George Johnson before the judiciary committee of the House of Representatives, at the present session of the Legislature.

CHAPTER CCVII.

An Act legalizing the election of certain Justices of the Peace in Clark county.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the election of Thomas W. Henderson and William Morrow as justices of the peace in Charlestown township, Clark county, Indiana, be and the same is hereby legalized.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCVIII.

An Act for the relief of Abraham Hendricks & Son.

[APPROVED JANUARY 18, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Michael G. Bright, the Agent of State, or his successor in office, be and he is hereby authorized and requested to pay to Abraham Hendricks & Son, contractors on section two of the Madison and Indianapolis railroad, out of any moneys that are or may come into his hands from the suspended debt of this State, the sum of five hundred dollars, with interest from the twentieth day of June, 1843: *Provided*, Said Hendricks & Son will receive the same in full of all demands against the State on account of said contract: *Provided further*, That the said Hendricks & Son, on the payment to them of such sum, shall make out and sign a release of all claim or pretence of claim against the State, of any kind whatever, up to the date of the passage of this bill, which release shall be filed in the office of the Auditor of State.

SEC. 2. This act shall be in force from and after its passage.

CHAPTER CCIX.

An Act providing for settlement of a claim of Adam Moderwell.

[APPROVED JANUARY 20, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That for the purpose of making a settlement between the State of Indiana and Adam Moderwell, a contractor on the first section of the Madison and Indianapolis railroad, his excellency the Governor be and he is hereby authorized to appoint a disinterested person, who shall repair to the city of Madison upon some day certain, to be designated by said person, of which day at least ten days' previous notice shall be given to Adam Moderwell, who prefers a claim against the State of Indiana for work and labor done on the first section of the Madison and Indianapolis railroad; and the said person, after having taken an oath to truly and faithfully discharge the duties required of him by the provisions of this act, shall proceed to investigate the claim of said Adam Moderwell, examining no witness except on oath, and which oath the person appointed as above shall administer; and after hearing the evidence in support of said

claim, he shall determine what amount, if any, is due said Adam Moderwell, and give him a certificate under his hand and seal for the amount.

SEC. 2. And the person appointed as above shall also give to the Agent of State ten days' notice of the day he designates to investigate said claim, and the said State Agent shall attend on the part of the State, and see that said investigation is fully and fairly made into all matters concerning the contract under which he claims a balance from the State upon the contract made with the commissioners on said road, and into the delinquencies and performances of said Moderwell on his contract; and the person appointed as above shall have full power to compel the attendance of all necessary witnesses.

SEC. 3. If any sum is determined by the person appointed by the Governor to be owing and due to the said Moderwell, the Agent of State is hereby authorized to pay the same on presentation of the certified claim by said Moderwell, his assigns, or legal representatives out of any money which is or may come into his possession from the suspended debt: The said commissioner appointed by the Governor shall be entitled to two dollars per day for every day he is actually engaged in investigating said claim, to be paid by the State, if it is determined that the State is indebted to said Moderwell, and if it is determined that the State is not indebted to said Moderwell, then the said Moderwell shall pay all the expenses of said investigation, including said commissioner's per diem allowance.

SEC. 4. This act to be in force from and after its passage.

CHAPTER CCX.

An Act to authorize the location and establishment of a State road from Salem, in Washington county, by Lawrenceport, on White river, to Bedford, in Lawrence county.

[APPROVED JANUARY 21, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That John Lowry and William J. Throckmorton, of Lawrence county, and David G. Campbell, of Washington county, be and they are hereby appointed commissioners and authorized and empowered to survey, locate, and establish a State road from Salem, in Washington county, on the nearest and best route to Lawrenceport, on White river, in the county of Lawrence, and from thence on the nearest and best route to Bedford, in the county of Lawrence.

SEC. 2. It shall be the duty of the said commissioners to meet at the court house in Salem aforesaid, on the second Monday in April

next, and after having been duly sworn or affirmed by some officer of Washington county authorized to administer oaths, well and faithfully to discharge their duty as such commissioners, which oath or affirmation shall be filed in the office of the clerk of said county of Washington, to proceed to survey the said road by the nearest and best route, and locate and establish the same: *Provided, however,* That the said commissioners may adjourn from time to time, so as the said road shall be located, surveyed, and established on or before the first day of June next.

SEC. 3. This act to take effect immediately; and all the provisions of article one, chapter sixteen, of the Revised Statutes of 1843, when not contrary to the provisions herein, shall apply to this act.

CHAPTER CCXI.

An Act to legalize the marriage of William Howell and Mary Howell.

[APPROVED JANUARY 21, 1847.]

WHEREAS, Mary Howell was once married to one Jonathan Repp, who abandoned her, and after an absence of six years and ten months, it being rumored and believed that said Repp was dead, she, the said Mary, married one William Howell, with whom she lived two years and upwards, when said Howell departed this life: AND WHEREAS, It is now stated, of which there is no evidence whatever, that said Jonathan Repp is still living: Therefore, to legalize said last mentioned marriage,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the marriage of the then Mary Repp with the said William Howell be and the same is hereby legalized to all intents and purposes.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCXII.

An Act to establish and relocate a State road in Vigo county.

[APPROVED JANUARY 21, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That Francis Thralls, Micajah Goodman, and David C. Weatherwax be and they are hereby constituted and appointed commissioners to view, relocate, and mark out that portion of the State road from Clinton, in Vermillion county, to the State line, in the direction of Darwin, Illinois, lying between Sugar creek and Clear creek, a distance of about three miles, the record of which has been lost; and that said commissioners shall commence the relocation of said road on the south-west side of the National road, about two hundred yards south-west of Sugar creek bridge, thence to the south-west corner of section thirty-six, township twelve north, of range ten west, and thence to Clear creek bridge, in section two, township eleven north, of range ten west.

SEC. 2. The said commissioners shall meet at the house of William Caldwell, in Sugar creek township, on the first Monday in March, or any subsequent day thereafter that they may agree upon, and proceed to take an oath before some person authorized to administer the same, for the faithful discharge of their duties as commissioners to view, mark, and relocate said road as aforesaid; and should either of said commissioners fail to attend at the time and place appointed, a majority, or any two of them, shall proceed to lay out said road, as if all the commissioners were present.

SEC. 3. That the commissioners shall, within thirty days after the location of said road, file a report of the same in the auditor's office in said county of Vigo, and the said auditor shall lay the same before the board doing county business at the first term thereafter; and it shall be the duty of said board to order said road to be opened any width not exceeding fifty feet, and made agreeably to and under the provisions of "An act for opening and repairing roads and highways."

SEC. 4. That the board doing county business in Vigo county shall make such allowance to said commissioners for their services as they shall deem just and reasonable.

SEC. 5. This act to take effect and be in force from and after its passage.

CHAPTER CCXIII.

An Act to require the General Superintendent of the Wabash and Erie Canal to give credits in certain cases.

[APPROVED JANUARY 27, 1827.]

WHEREAS, it is represented to this General Assembly that a number of the citizens of this State have made payments to the persons acting as clerks in the land offices at Peru and Delphi, on account of principal and interest due from such citizens to the State of Indiana for Wabash and Erie Canal lands, for which payments the citizens making such payments hold the receipts of the officer having charge of said land offices:

AND WHEREAS, in the absence of the entry of such payments on the books of the proper land office, the superintendent of said canal does not feel himself authorized to credit the amount so paid: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the officer or person having charge of the land offices at Peru and Delphi shall, upon the production to them by any person of a receipt, certificate, or voucher of any kind, given or issued by any person or persons who may heretofore have had charge of either of said land offices, to give such person or persons a credit for the amount specified in such receipt, certificate, or other voucher, for and on account of the principal and interest mentioned in such receipt, certificate, or other voucher.

SEC. 2. If upon the production of any such certificate, receipt, or other voucher, it shall appear that the payment therein specified has not been entered upon the books of such office, it shall be the duty of the person having charge of such office, on the surrender to him of such receipt, certificate, or other voucher, to enter the same on the books of his office, and to issue to the holder of such receipt, certificate, or other voucher, a certificate under his hand, stating therein the time, amount, to whom, and on what account, whether of principal or interest, such payment was made, which certificate so to be issued, as in this section provided, shall operate in the hands of the holder thereof as a receipt for the amount therein specified: *Provided,* Nothing herein contained shall be construed to include any voucher, certificate, or receipt issued for or on account of any entries made, or attempted to be made, under an act, entitled "An act amending the two hundred and eighteenth section of the Revised Code, chapter thirteen, and page two hundred and sixty-seven," approved January 20, 1846.

SEC. 3. The receipt, certificate, or other voucher so surrendered, shall be by the persons having charge of such land offices filed in the

office of the auditor of public accounts, and shall be by him charged up against the officer issuing the same, and shall operate as a voucher to the officer so having received the same from the original holder for the amount therein specified.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER CCXIV.

An Act legalizing the acknowledgments of deeds taken by the probate judges of Knox and Delaware counties.

[APPROVED JANUARY 26, 1847.]

WHEREAS, The probate judges of Knox and Delaware counties have heretofore taken acknowledgments of deeds under the impression that they were authorized by law so to do: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all acknowledgments of deeds taken by James Thorn as probate judge of Knox county, and Enoch Nation probate judge of Delaware county, be and the same are hereby declared to be valid and to have all the force and effect in law which they would or could have had had the said James Thorn, probate judge of Knox county, and the said Enoch Nation, probate judge of Delaware county, been fully empowered by law to take such acknowledgments.

CHAPTER CCXV.

An Act to repeal an act, entitled "An act to regulate the attendance of grand and petit jurors in the fifth judicial circuit," so far as relates to the counties of Hendricks, Hamilton, and Hancock.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That an act, entitled "An act to regulate the attendance of grand and petit jurors in the fifth judicial circuit," approved January 13, 1845, so far as the same relates to the counties of Hendricks, Hamilton, and Hancock be, and the same is hereby repealed; and the general laws of the State of Indiana regulating the summoning and attendance of grand and petit jurors are hereby revived and

declared to be in full force in said counties of Hendricks, Hamilton, and Hancock.

SEC. 2. This act to be in force from and after its passage. And the Secretary of State is hereby required to forward immediately a certified copy of this act to the clerks of the circuit court of each of the aforesaid counties, to be by them filed in their respective offices.

CHAPTER CCXVII.

An Act to authorize Michael English to build a mill dam across the Salamoniam river, in Wabash county.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Michael English of the county of Wabash be, and he is hereby authorized to construct, erect, and keep up, a mill dam across the Salamoniam river, in the county of Wabash, at any point on said river where he may be the owner and possessor of the land on both sides of said river: *Provided, however*, That the said English shall construct in said dam a slope sufficiently capacious to admit the passage of boats over said dam, without injury.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCXVIII.

An Act relative to the seminary fund in Laporte county.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the judgment in favor of the State of Indiana against Egbert and others, on forfeited recognizance in the Laporte circuit court, is hereby appropriated and set apart to the Laporte county seminary fund.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER CCXIX.

An Act for the relief of lessees of water power at Wabash Dam, No. 4, in Carroll county.

[APPROVED JANUARY 28, 1847.]

WHEREAS, Leases of water power have heretofore been granted to different persons at Wabash Dam No. 4, which stipulate among other things, that the lessees shall pay in the way of rent to the State a certain annual sum per "power," a power being understood to mean water sufficient when applied upon an overshot wheel of eight and a half feet in diameter, to propel one run of four and a half feet mill stones, grinding at the rate of five bushels of wheat per hour. AND WHEREAS, Subsequent experience has proved that overshot wheels of the above named dimensions cannot profitably be used at that point by reason of the back water from the Wabash river a considerable portion of each year. AND WHEREAS, The said lessees have been compelled to abandon the overshot and use the the reaction wheels to propel their machinery, thus increasing the quantity of water required. AND WHEREAS, It is the duty of the general superintendent to require the said lessees to pay an increased rent in proportion to the increased quantity of water used, which will render it impossible for said lessees to maintain a profitable business, and without some relief they will be compelled to abandon the leases to the great injury of themselves and to the surrounding country, without any advantage to the State of Indiana. Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That a "power" at said Wabash Dam No. 4, and at Delphi, shall be understood to mean water sufficient, when properly applied, upon what is usually denominated a "Parker wheel," or a "spiral vent" wheel to propel one run of four and a half feet mill stones, grinding at the rate of five bushels of wheat per hour; and that the general superintendent of the Wabash and Erie canal is hereby required to endorse the change herein contemplated, upon the back of each lease heretofore granted at said dam, and to charge the rents now due or hereafter to become due at and after the rate herein contemplated.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCXX.

An act to authorize the establishment of a State road in White and Tippecanoe counties.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That David Jones be, and he is hereby authorized and empowered to lay out and establish a State road in the counties of White and Tippecanoe; said road to commence in White county, on the State road leading from Pittsburgh to Rensselaer, at the northeast corner of Nordyke's farm, on the section line, thence south on said line to the southwest corner of Brecount's farm, in said county; thence to the Badger Grove; thence to intersect the State road leading from Lafayette to Sugar Grove, near David Jones's farm, in Tippecanoe county; thence south on a county road to Newburg Stockton's; and thence by the nearest and best route to Lafayette.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCXXI.

An Act to vacate a certain alley in the town of Greencastle.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That so much of a certain alley in said town of Greencastle, Putnam county, Indiana, as lies between lots number one hundred and five, one hundred and six, and one hundred and seven and one hundred and eight, be, and the same is hereby vacated.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCXXII.

An Act to locate a State road between the counties of Noble and Lagrange.

[APPROVED JANUARY 21, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That John F. Brothwell, of the county of Noble, and Lorenzo Dallas, of the county of Lagrange, are hereby appointed commissioners to view, mark, and locate a State road, commencing at the bridge on the north branch of the Elkhart river, on the county line between the counties of Noble and Lagrange, thence east on said line till it intersects the road leading from Clear Spring to the Fort Wayne road.

SEC. 2. The said commissioners shall meet on the first Monday in May next, at the commencing point, or as soon thereafter as convenient; and after taking an oath or affirmation faithfully to discharge their duties, shall proceed to view, mark, and locate said road, and shall be governed in all things by the laws now in force for laying out roads and highways.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CCXXIII.

An Act amendatory to an act for the relief of Delaware and Grant counties, approved January 13th, 1844.

[APPROVED JANUARY 18, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That that part of the first section of the act to which this is an amendment, so far as it relates to the salary of the auditor of the county of Grant, be and the same is hereby repealed.

SEC. 2. That hereafter the auditor of the county of Grant shall receive the sum of four hundred dollars annually, and no more, which sum shall be in full for all of the services now required by law for him to do and perform as such auditor.

SEC. 3. This act to take effect and be in force from and after the first day of March next.

CHAPTER CCXXIV.

An Act to legalize certain of the official acts of Solomon M. Simons, a justice of the peace of Randolph county.

[APPROVED JANUARY 26, 1847.]

WHEREAS, It is represented to this General Assembly that the official bond of Solomon M. Simons, a justice of the peace of White river township, in Randolph county, was filed with the auditor of said county, instead of being filed with the clerk of the circuit court thereof, whereby doubts have arisen as to the validity of his official acts: For remedy whereof,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the filing of the said bond as aforesaid, and the official acts and proceedings of the said Solomon M. Simons, as such justice of the peace, are hereby made as legal and valid as though the said bond had been filed with the clerk of said circuit court, and no further, any law of this State to the contrary notwithstanding.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCXXV.

An Act to protect stock running at large.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That any drover or drovers who shall drive out of the county of Warren, any stock or fat cattle which may accidentally get into their said droves, or refuse to stop their said droves, so as to permit the owner or owners of said stock so running at large to get the same from said drove or droves, when called upon, shall be liable to an action in any court of competent authority to pay to the owner of said stock double the value of said stock so driven from said county, together with costs of suit.

SEC. 2. This act to be in force from and after the first day of May next.

CHAPTER CCXXVI.

An Act to repeal the local laws on the subject of roads and highways in the county of Lawrence.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all laws of a local nature on the subject of roads and highways, are hereby repealed, so far as the same relates to the county of Lawrence, and the general laws on the subject of roads and highways are hereby declared to be in force in said county: *Provided, however,* That it shall not be lawful for the board doing county business in said county to levy or collect any road tax from the citizens of said county.

SEC. 2. This act to take effect and be in force from and after the first day of June next.

CHAPTER CCXXVII.

An Act for the relief of William Smith.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That William Smith, of the county of Washington, be paid the sum of fifteen dollars out of any moneys in the treasury of the State not otherwise appropriated, in satisfaction of his labor and expenses in coming from said county to Indianapolis, for the purpose of delivering the laws and journals of the last session of said General Assembly, in the second judicial circuit of the State, in pursuance of his contract for that purpose.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCXXVIII.

An Act to provide for electing supervisors by district in the counties of Wabash and Boone.

[APPROVED JANUARY 22, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter, at the annual election in April, it shall not be lawful for any voter of Wabash or Boone county to vote for more than one supervisor of roads in his township.

SEC. 2. If upon counting out the votes at any of the polls in said counties any ticket may be found with the name of more than one person voted for for supervisor, it shall be deemed an illegal vote, so far as relates to supervisors, and shall not be counted to either of the men voted for.

SEC. 3. Any person voting for more than one person for supervisor at said April election, shall, upon conviction thereof, be liable to the penalties now prescribed by law for illegal voting.

SEC. 4. All laws and parts of laws coming within the purview of this act, be and the same are hereby repealed.

SEC. 5. This act to take effect from and after its passage and publication in a public newspaper, and a copy thereof filed in the clerk's office of Wabash and Boone counties.

CHAPTER CCXXIX.

An Act to provide for the payment of the expenses of completing the selecting, appraising, classifying, and mapping the lands granted by Congress for completing the Wabash and Erie canal from Terre Haute to the Ohio river.

[APPROVED JANUARY 28, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That there be and is hereby appropriated the sum of one thousand and fifteen dollars and thirteen cents, to defray the expenses of completing the selections of the lands granted by Congress for the completion of the Wabash and Erie canal from Terre Haute to the Ohio river, making two copies of the list of said lands, one of which was deposited in the land office at Vincennes, and the other in the general land office at Washington City, classifying and appraising the same, under the act approved January nineteenth, 1846,

and for a complete set of township maps of the Vincennes land district, with the lands selected designated and colored thereon.

SEC. 2. The said sum of money appropriated by the first section of this act shall be paid to the following persons in the following sums, that is to say: To James G. Jordan eighteen dollars, to Joshua Soule, junior, twenty dollars, to Samuel Turner seventeen dollars and thirteen cents, to N. R. Wild sixty dollars, and to Frederick E. Goodsell nine hundred dollars.

SEC. 3. The said several sums of money appropriated by this act shall be paid out of any money in the State treasury not otherwise appropriated; but shall be repaid and refunded to the State out of the proceeds of the first sales of said lands granted by Congress for the completion of said canal.

CHAPTER CCXXX.

An Act to authorize the citizens of Wabash county to build a free bridge at Wabash dam, number two, in said county.

[APPROVED JANUARY 21, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the citizens of Wabash county are hereby authorized to erect a free bridge across the Wabash river, in said county, and to rest the ends of said bridge upon the abutments of Wabash dam, number two, and also to construct one pier on said dam and the apron thereof: *Provided*, Such plan shall be adopted and followed in the construction of said bridge as in the opinion of the general superintendent, or other officer having charge of the Wabash and Erie canal, will not in any manner prove detrimental to said dam, nor increase its liability to injury from floods or other causes: *And provided further*, That nothing herein contained shall render the State liable in any manner for any injury said bridge may sustain by reason of floods, or from any other cause whatsoever, nor to any damage that may be done to individual property in making a road to and from said bridge.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER CCXXXI.

An Act to incorporate the town of Muncie, in Delaware county.

[APPROVED JANUARY 21, 1847.]

WHEREAS, It appears to the satisfaction of the General Assembly of the State of Indiana, by the petition, properly authenticated, of at least two-thirds of the persons competent to petition for that purpose, that the citizens of Muncie, in Delaware county, Indiana, are desirous of having said town incorporated: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the town of Muncie be and the same is hereby incorporated under the general provisions of the Revised Statutes of the State of Indiana, as the same are contained in the twenty-fifth chapter, article first, of said revision.

SEC. 2. The boundaries of said corporation shall be as follows, to-wit: The north line of the recorded plat of said town, and on the east to run so far east of the east line of said plat as to include the lots lately laid off and not recorded by Thomas Ruly, and the southern line of said corporation to be the north line of Warren Stewart's land, to the Newcastle road, thence north on said road to the south line of said town plat, and thence along said south line to the west line of said town plat as recorded; and the west line of said recorded plat to form the west line of said corporation.

SEC. 3. An election for trustees of said town shall be held within one month from and after the passage of this act, in accordance with the provisions of the second section of the article aforesaid, and the clerk of the Delaware circuit court is hereby authorized to give the notice as contemplated in said section, for which service the board of trustees shall make to him a reasonable compensation.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER CCXXXII.

An Act making an appropriation to J. R. Pratt & Co. for the erection of the New State Prison.

[APPROVED JANUARY 25, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That there be and hereby is appropriated eighteen thousand four hundred and four dollars and eighty-three cents, the balance shown to be due to J. R. Pratt & Co., on a report made by Lucien Barbour, John Elder, and E. J. Peck, under an act entitled "An act to provide for a settlement with the superintendent of the State Prison," approved December 21, 1846, for work and labor done on, and materials furnished for the erection of the State Prison at Jeffersonville; also, thirty-five dollars and fifty cents paid by said Pratt & Co. to John Elder, for expenses to Jeffersonville, in June last, as a commissioner under an act entitled "An act to provide for a settlement with the superintendent of the State Prison," approved January 20, 1846; all of which sums shall be audited to said J. R. Pratt & Co., late superintendent of the State Prison, by the Auditor of State, and shall be paid by the Treasurer thereof out of any money in the treasury not otherwise appropriated.

SEC. 2. That W. F. Collum, late clerk of the State Prison, and who now has charge of the accounts of said prison, under a letter of appointment from the Governor, be and he is hereby authorized to settle and collect the five thousand and forty-one dollars and thirty-three cents of notes and accounts now in his hands, debts due to the said J. R. Pratt & Co., as such superintendent of said prison, and to settle and pay all just claims against said prison, if any, out of the same, and all expenses of collection, and pay the balance so collected, one-half to the said J. R. Pratt & Co., and the other half into the treasury of the State, and make a report of his proceedings to the next legislature.

SEC. 3. That if there be doubtful claims in the hands of said Collum, or claims of a doubtful character, said Collum may settle and arrange the same as he may think will best conduce to the interest of said Pratt & Co., and the State of Indiana.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER CCXXXIII.

An Act to legalize certain proceedings of the probate court of Allen county, Indiana.

[APPROVED JANUARY 22, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the proceedings of the probate court of Allen county, Indiana, at the August term thereof, 1846, in relation to a conveyance of certain lands at the Northport feeder dam, in Noble county, in said State, from the heirs of Francis Comparet, deceased, to the State of Indiana, for the purpose of using the water power created by said dam be and the same is hereby legalized in all things; and the general superintendent of the Wabash and Erie canal is authorized and directed to receive said conveyance.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCXXXIV.

An Act relative to overseers of the poor in Floyd county.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That "An act relative to overseers of the poor," approved January 15, 1844, be and the same is hereby repealed, so far as relates to the county of Floyd.

SEC. 2. That the law of the State requiring overseers of the poor to be elected, and repealed by the act herein repealed, be and the same is hereby revived, so far as relates to the said county of Floyd.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CCXXXV.

An Act for the relief of Andrew Wilson.

[APPROVED JANUARY 26, 1847.]

WHEREAS, By the late unusual freshet the bridge across White river, on the Michigan road, north of Indianapolis, erected by Andrew Wilson as a toll bridge, has been destroyed and rendered altogether impassable, to the great damage of said Wilson, and to the manifest hinderance and inconvenience of travellers passing upon said road; for remedy whereof,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the said Andrew Wilson is hereby authorized and empowered to re-erect said bridge across White river, on the Michigan road, north of Indianapolis, at his own proper expense.

SEC. 2. Said bridge shall be re-erected and finished in a substantial manner, so as to insure and secure the safe and convenient passage of passengers, wagons, carriages, droves of animals, horses, and stock crossing and recrossing; the same shall be kept in good repair when so constructed.

SEC. 3. Said Wilson shall commence the re-erection of said bridge within three months, and shall complete the same within two years from the date of this act: *Provided*, Said Wilson shall make said bridge passable for four horse wagons in six months from the passage of this act.

SEC. 4. When the bridge shall be so far completed as to render the passage safe, the said Wilson may erect and maintain thereon toll gates, and may demand and receive toll not exceeding the following rates, to-wit: For every four wheel carriage or wagon drawn by four or more horses or oxen, thirty cents; for every four wheel carriage or wagon drawn by two horses or oxen, twenty cents; for every two wheel carriage or cart or sled drawn by two horses or oxen, fifteen cents; for every one horse and carriage or sleigh or sled, ten cents; for every one horse and rider, ten cents; every foot passenger five cents; every single horse, mule, or ass, or head of neat cattle, three cents; for every hog or sheep, one cent: *Provided*, That all persons going to and returning from public worship on Sunday shall not pay toll.

SEC. 5. Said Wilson shall have the exclusive right of said bridge, to charge toll and collect the same, for crossing the same for fifteen years, and no longer, from and after the passage of this act, and then said bridge shall revert to the State of Indiana.

SEC. 6. If any person shall wilfully impair or injure said bridge, the person so offending shall be liable to pay said Wilson double the

amount of injury done, with cost of suit, to be recovered in an action of trespass.

SEC. 7. If any person shall forcibly pass the gate on said bridge, without having paid the legal toll, he shall forfeit and pay to the said Wilson three times the amount of the legal toll, to be recovered with cost in an action of debt; and before said Wilson shall be authorized to charge or receive toll, he shall put up in some public place at said bridge a list of the tolls, which he is authorized by this act to receive.

SEC. 8. It shall not be lawful for said Wilson to unreasonably hinder or delay any person at the gate, or to demand or take more than legal toll; and for each and every such offence he shall forfeit and pay to the person injured the sum of three dollars, to be recovered in an action of debt. This act to take effect and be in force from after its passage.

CHAPTER CCXXXVI.

An Act levying additional road tax on lands in Allen county.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter there shall be levied and collected off of persons owning lands in the county of Allen, in addition to the tax already levied and collected, for road purposes, the sum of one and one quarter cents on each and every acre of land, and the sum of ten cents on each and every hundred dollars' worth of town property.

SEC. 2. That the privilege of working out said additional road tax shall in all cases be extended to owners of said land or town property.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CCXXXVII.

An Act to incorporate the Columbus Bridge Company.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all persons who shall become stockholders pursuant to the provisions of this act be, and they are hereby constituted a body politic and corporate by the name and style of "The Columbus Bridge Company," and by that name be capable of holding real estate sufficient for carrying into effect the purposes of this act, and of suing and being sued, defending and being defended, pleading and being impleaded, answering and being answered, in all courts of competent jurisdiction, and shall have authority to ordain and establish such by-laws and regulations (not repugnant to the constitution and laws of the United States and the State of Indiana,) as shall from time to time be found necessary for the management and good government of said corporation.

SEC. 2. The capital stock of said corporation shall be ten thousand dollars, divided into shares of twenty dollars each.

SEC. 3. That Aquilla Jones, Thomas Hays, Jr., John F. Jones, Samuel Lefever, and James D. Farrell, be, and they are hereby appointed commissioners to open books of subscription to the capital stock of said company; said books shall be opened on or before the first Monday in March, 1847.

SEC. 4. That whenever two hundred shares have been subscribed to the stock of said company, the said commissioners shall cause public notice to be given of a time and place for the meeting of the stockholders to choose directors, who shall be stockholders; at the time and place appointed, the stockholders shall meet and choose directors, a majority of whom shall be competent to transact business. A new election of directors shall be held annually at such time and place as the stockholders at their first annual meeting may appoint.

SEC. 5. The directors shall have the management and control of the affairs of said company, subject to such rules and regulations as the stockholders may ordain and establish. The said directors shall choose out of their own number a president; they shall also appoint a secretary and treasurer and such other officers or agents as may be necessary.

SEC. 6. The said directors may demand from the stockholders respectively all such sums of money by them subscribed at such times and in such proportions as they may think proper; any stockholder refusing to pay his proportion shall be liable to have his shares and all previous payments thereon declared forfeited to said company, or the said proportion may be recovered from them by an ac-

tion of debt before any competent tribunal, at the discretion of the directors.

SEC. 7. The said corporation may erect a bridge across the east fork of White river, at or near the end of Vernon street, in the town of Columbus.

SEC. 8. When the said bridge is completed, the said corporation may erect and maintain at either end of said bridge a toll gate, and demand and receive toll not exceeding the rates following, viz: every man and horse ten cents, every foot passenger six cents, every horse, mule, jack, or head of neat cattle three cents, every sheep or hog two cents, every wagon, buggy, cart, sleigh, or other vehicle drawn by one horse, fifteen cents; every wagon, buggy, or other vehicle drawn by two horses, mules or oxen, twenty-five cents; every wagon or other vehicle drawn by four horses, mules, oxen, or other animals, fifty cents; for every two additional horses, mules, or oxen, or other animals to such wagon, ten cents.

SEC. 9. If any person shall impair or injure said bridge wilfully he, she, or they, so offending, shall forfeit and pay to said corporation five dollars, to be recovered with costs of suit in an action of debt before any justice of the peace, and shall also be further liable to pay said corporation double the amount of damage sustained, with costs of suit, to be recovered in an action of trespass before any court of competent jurisdiction.

SEC. 10. If any person shall forcibly pass the gate without having paid the legal toll, he, she, or they, shall forfeit and pay five times the amount of legal toll with costs of suit, to be recovered by said corporation in an action of debt before a justice of the peace.

SEC. 11. If any toll gatherer shall unreasonably delay or hinder any passenger at the gate, or shall demand and receive more than legal toll, he shall, for every such offence, forfeit the sum of five dollars, to be recovered by such person hindred, or delayed, or injured, by an action of debt before a justice of the peace.

SEC. 12. The said directors shall keep and maintain at each end of said bridge, a list of the rates of toll, in plain and legible words and figures.

SEC. 13. The navigation of the east fork of White river shall be preserved free for navigation, and the said bridge shall be of sufficient height to permit loaded boats to pass under it in stages of water suitable for navigation.

SEC. 14. This charter to be and remain in full force for the period of thirty years from and after the organization of said company: *Provided,* That the said directors or company cause said bridge to be erected and finished within five years after the passage of this act.

SEC. 15. This act shall be, and the same is hereby declared to be a public act, and shall be in force and take effect from and after its passage. The Legislature reserves the right to alter and amend this charter at any time; and also, to repeal it upon a violation of any of its provisions.

CHAPTER CCXXXVIII.

An Act for the relief John Zulauf.

[APPROVED JANUARY 27, 1847.]

WHEREAS, John Zulauf having represented to this General Assembly that he is a native of Switzerland, and has resided in this country for nearly two years. AND WHEREAS, The said John Zulauf having shown that his stay in this country is only for an indefinite period, and that he is engaged in the settling of some estate for which certain privileges connected with real property are necessary. Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That John Zulauf is authorized and fully empowered to hold in fee simple against the State of Indiana, any and all real property which he may hereafter acquire either by purchase or any other way that real property can be transmitted, as if he had been a citizen of this State, and that the same privileges, rights, and protections are granted to him, that are granted by this State to any naturalized citizens of the State of Indiana, being in like manner subject to all taxes for the same to which any citizen of this State may be subject.

SEC. 2. The said John Zulauf is also authorized to dispose and convey by proper deeds of conveyance, any and all real property he may have acquired as stated in section first, and that such real property will also descend in like manner as if he had been a duly naturalized citizen of this State, and is also authorized to sue in his own name for any trespass committed on such property.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CCXXXIX.

An Act to locate a State road in the counties of Cass and Pulaski.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That George D. Washburn, of the county of Cass, and W. R. Brown and Jonas Good, of the county of Pulaski, be and they are hereby appointed commissioners to view, mark, and locate a State road as follows: Commencing at the Winnamac and Mon-

ticello State road, at or near the seven mile post from Winnamac, and from thence to run a southeast direction on the nearest and best route, to the north end of Little Indian creek bridge, on the Logansport and Winnamac road, in the county of Cass, and there to end.

SEC. 2. The commissioners shall meet at the house of Ira Brown, in the county of Pulaski, on or before the first day of June next, proceed to locate said road as is provided in the first section of this act, a statement of which shall be filed in the office of the auditor of each county aforesaid through which said road shall pass.

SEC. 3. The board doing county business in the counties aforesaid, shall make such allowance to said commissioners for their services as may seem just and reasonable.

SEC. 4. This act to be in force from and after its passage.

CHAPTER CCXL.

An Act to authorize the clerk of the circuit and probate courts of Lawrence county to use new seals.

[APPROVED JANUARY 26, 1847.]

WHEREAS, The seals of the circuit and probate courts of the county of Lawrence are much worn, bruised, and mutilated, which, when added to the fact of their never having been well engraved, renders them now unfit for use: AND WHEREAS, The county has procured new seals for the use of said courts, but through inadvertency of the agent procuring them, they are of different device from those now in use: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be lawful for the clerk of the circuit and probate courts in and for the county of Lawrence, to put in use said new seals, immediately after entering at large a copy of this act, and a description of said new seals, on the order books of the respective circuit and probate courts.

SEC. 2. It is hereby made the duty of the Secretary of State to forward to the clerk of said county a certified copy of this act.

CHAPTER CCXLI.

An Act to revive and continue in force an act entitled "An act to incorporate the Mount Carmel and New Albany Railroad Company," approved February 4th, 1837.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That an act entitled "An act to incorporate the Mount Carmel and New Albany Railroad Company," approved February 4th, 1837," be and the same is hereby revived.

SEC. 2. That said company shall have five years from the date of the approval of this act, to commence said road, and fifteen years to complete and finish the same.

CHAPTER CCXLII.

An Act to repeal a certain law therein named.

[APPROVED JANUARY 4, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That section thirty, of the sixteenth chapter, article first, of the Revised Statutes of 1843, compelling supervisors to cut roads forty feet wide, be and the same is hereby repealed, so far as relates to the county of Dubois.

SEC. 2. The board doing county business in said county shall specify the width which the supervisors shall open county roads in said county of Dubois; in no case to be less than twenty-five feet.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CCXLIII.

An Act to extend the benefit of a certain act therein named to the counties of Clinton and Carroll.

[APPROVED JANUARY 18, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the provisions of an act entitled "An act for the relief of purchasers of certain canal lands lying in the county of Cass," approved January 19th, one thousand eight hundred and forty-six, be extended to the counties of Clinton and Carroll.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCXLIV.

An Act to legalize certain proceedings in Tippecanoe county.

[APPROVED JANUARY 23, 1847.]

WHEREAS, In consequence of a certain delinquency, it has been found impracticable to re-appraise the real estate in Tippecanoe county within the time limited by the statute in reference thereto: AND WHEREAS, An appraisement has been commenced by an appraiser properly constituted: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That said appraisement be completed by the first Monday in June, 1847, and shall have all the force and effect as if it had been made in strict conformity with all the requirements of relevant statutes.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCXLV.

An Act to improve the Michigan road in Carroll county.

[APPROVED JANUARY 23, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That supervisors of roads through whose districts said road passes shall cause every able bodied man subject to perform road labor, to perform one day's work on said road of his personal tax annually; and it is hereby further provided, that said supervisors and their successors in office shall annually apply all the road tax arising from land, both resident and non-resident, in their respective districts, to the improvement of said road, under the direction of said supervisors.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCXLVI.

An Act to amend the first section of an act, entitled "An act prescribing the mode of selecting petit jurors in Sullivan county," approved January 6, 1846.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That twelve petit jurors shall be selected by the board doing county business for the county of Sullivan, who shall attend on the first day of the next term of said court, to serve as such jurors.

SEC. 2. And so much of the act to which this is an amendment, be and the same is hereby repealed. This act to take effect and be in force from and after its passage.

SEC. 3. It shall be the duty of the Secretary of State to forward by mail a certified copy of this act to the clerk of the Sullivan circuit court as soon as said act shall be passed.

CHAPTER CCXLVII.

An Act for the relief of Alpha Buckley, of Miami county.

[APPROVED JANUARY 27, 1847.]

WHEREAS, It is represented to this General Assembly of the State of Indiana that Alpha Buckley, lessee of a part of the water power at feeder dam number three, on the Wabash river, has sustained great loss and damage by the recent freshets, so as to render him unable to pay the rent due the State on such lease: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the time of payment of any rent now due or which may hereafter become due from said Buckley prior to the first day of May, eighteen hundred and forty-nine, be and the same is hereby extended to the said first day of May, eighteen hundred and forty-nine.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCXLVIII.

An Act for the location of a State road in the counties of Dubois and Martin.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That Joseph Harmon and Shilo Polston, of Dubois county, and Harvey Manning, of Martin county, be and they are appointed commissioners to view, mark, and locate a State road, commencing at the town of Ferdinand, in Dubois county, thence to Poulson's mill, thence to Haming's shoals, in Martin county, thence to Hillsborough, in said county of Martin, following such other roads in said route as are already located as may be thought expedient.

SEC. 2. The said commissioners shall meet at Hillsborough, in said county of Martin, on or before the first Monday in July next, and after having taken an oath faithfully and impartially to discharge the duties assigned them, shall proceed to view and locate said State road agreeably to the points and courses designated in the first section of this act.

SEC. 3. The said commissioners shall, within thirty days after they shall have located said road as aforesaid, report to the county

auditors of said counties of Martin and Dubois so much of said road as may be located in the respective counties of said auditors, which report the said auditors shall lay before their respective county boards at their next session thereafter; and the said county boards shall severally, at their next session thereafter, cause the said reports when so made to be recorded, and order said road to be opened; and said boards of commissioners in the counties of Dubois and Martin shall make said commissioners such compensation as shall be reasonable, each county paying their proportion according to distance.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER CCXLIX.

An Act to vacate a part of the town of Blairsville, in Posey county, Indiana.

[APPROVED JANUARY 2, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all of that part of the plat of the town of Blairsville situated on the north of second north street, be and the same is hereby vacated.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCL.

An Act to vacate certain streets and alleys in the town of Orleans, Orange county.

[APPROVED DECEMBER 9, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all that portion of the town of Orleans, in the county of Orange, which lies south of Washington street and west of Lemon street, inclusive, be and the same are [is] hereby vacated.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCLI.

An Act to vacate the town of Independence in Laporte county.

[APPROVED DECEMBER 30, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the town of Independence, in township thirty-seven (37) north, of range one (1) west, in Laporte county be vacated; and that the assessor of Laporte county be authorized to value the same as so much land.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCLII.

An Act to provide for the settlement of the accounts of commissioners heretofore appointed to expend a portion of the three per cent. fund in Orange county.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all laws and parts of laws now in force in the county of Orange, appropriating any portion of the three per cent. funds of said county to the improvement of any road or highway, and appointing commissioners for that purpose, be and the same are hereby repealed.

SEC. 2. It shall be the duty of all commissioners heretofore appointed to expend any portion of said funds under the provisions of such laws (who have not made settlement of their accounts,) to make settlement with the board of commissioners of said county, and should there be found in the hands of any such commissioner any unexpended balance, it shall be his duty to pay the same forthwith into the treasury of said county, take the treasurer's receipt therefor and file the same with the clerk of the board of commissioners, who shall give him a quietus therefor.

SEC. 3. Should any commissioner appointed as aforesaid have died or removed from the county, without having settled with the board of commissioners thereof, it shall be lawful for his legal representatives, or his securities, to present any voucher or vouchers which may be legal and right, and such commissioner shall be entitled to credit therefor; and it shall be the duty of the board of commissioners to cause notice to be served on such commissioner, if resident in said

county, if not, then on his securities, at least twenty days before the time appointed for such settlement, requiring him or them to appear at a certain time and place and make such settlement, which notice shall be served by the sheriff of said county, and returned to the office of the clerk of said board.

SEC. 4. And should any commissioner, or the securities of any such commissioner, after having been duly served with notice as aforesaid, neglect or refuse to comply with the provisions of this act in making such settlement or paying into the county treasury any such funds which may remain in the hands of such commissioner unexpended, said commissioner and his securities shall be liable to an action on the bond of such commissioner for the amount so remaining in his hands unexpended, which when collected shall be paid into the county treasury as aforesaid.

SEC. 5. Said funds when so paid into the treasury of said county, shall be appropriated by the board of commissioners thereof to the improvement of roads and highways, or the erection of bridges therein, as they may deem expedient and advisable.

SEC. 6. This act shall be in force from and after the passage thereof.

CHAPTER CCLIII.

An Act to repeal an act therein named, so far as the county of Shelby is concerned.

[APPROVED JANUARY 2, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That an act entitled "An act for the benefit of supervisors in Scott, Shelby, Decatur, and Clark counties," approved January 15, 1846, be and the same is hereby repealed, so far as the county of Shelby is concerned.*

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCLIV.

An Act to vacate certain streets and alleys in the town of Wellington, Marion county, Indiana.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That Marion, running north and south, and South street, the alley running north and south which divides the tier of blocks lying between Marion and Hamilton streets, and running parallel with said streets, and that portion of the alley lying between Hancock and Shelby streets, and running from Marion to Hamilton streets, east and west, of the town of Wellington, Marion county, Indiana, be and the same are hereby vacated.*

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCLV.

An Act to repeal an act entitled "An act for the protection of wild fruit growing on public lands in the counties of Lake, Porter, Laporte, St. Joseph, Marshall, Fulton, and Kosciusko," approved January 13, 1844, so far as relates to the county of Pulaski.

[APPROVED JANUARY 18, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That all laws now in force for the protection of wild fruit on government land is hereby repealed, so far as relates to the county of Pulaski.*

SEC. 2. This act to be in force and take effect from and after its passage.

CHAPTER CCLVI.

An Act to change the name of Anna James to that of Anna Churchman.

[APPROVED JANUARY 22, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the name of Anna James be and the same is changed to that of Anna Churchman.

SEC. 2. This act to be in force and take effect from and after its passage.

CHAPTER CCLVII.

An Act to extend the time of receiving work on road tax in the counties therein named.

[APPROVED JANUARY 18, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That an act entitled an act (approved January 15, 1844,) "making the road tax on lands in the counties of Fulton, Marshall, White, Pulaski, Jasper, Benton, and Stark uniform, and for other purposes," be amended so that it shall be lawful to extend the time of receiving work in payment of road tax, and giving receipts therefor by the supervisors of said counties to the first day of January.

SEC. 2. That when any supervisor shall receive road funds by the provisions of this act, or the act to which this is an amendment, such supervisor shall give ten days' notice, by advertising the same in three public places in the proper township that he will sell to the lowest bidder road work to the amount of funds in his hands.

SEC. 3. So much of section one of the act to which this is an amendment which provides that the work shall be done previous to the first of November, also so much of section two of said act which authorizes any sum less than ten dollars to be let out at private contract, is hereby repealed.

SEC. 4. This act to be in force from and after its passage.

CHAPTER CCLVIII.

An act to authorize the auditor of Harrison county to make a deed therein named.

[APPROVED JANUARY 26, 1847.]

WHEREAS, It has been represented to this General Assembly that Thomas Rogers, late of Harrison county, deceased, very shortly before his death assigned to his son, John Rogers, two certificates of purchase of two lots of land numbered two and three, in section sixteen, in township five south, and in range five east, in said county of Harrison, without acknowledging the said assignments in the manner prescribed by law: **AND WHEREAS,** The said John Rogers sold said lots of land to Richard Thompson, who, as is said, has fully paid the purchase money of said lots: **AND WHEREAS,** Also, the said Thomas Rogers left a great many heirs who are infants, and by reason thereof cannot convey their interest and estate in said lots of land without the aid of a court of chancery, which must be procured at great expense: **To remedy which and to carry into full and complete effect the intention of the said Thomas Rogers in making said assignments,**

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the auditor of the county of Harrison be and he is hereby authorized and directed, upon full payment of the purchase money of said lots of land numbered two and three, in section sixteen, in township five south, and range five east, in said county, being made to the school commissioner of said county, or other proper officer entitled to receive the same, to execute to the said Richard Thompson a good and sufficient deed for said lots of land, which deed, when so executed, shall convey to the said Richard Thompson all the estate, right, and title in and to said lots of land which the said Thomas Rogers would have been entitled to receive by virtue of his purchase of said lots, and a payment of the purchase money in pursuance thereof.

CHAPTER CCLIX.

An Act to provide for an additional place of holding elections in Clark county.

[APPROVED JANUARY 23, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That in all elections hereafter to be held in the county of Clark for State or county officers, or the election of electors of President and Vice-President of the United States, there shall be a poll opened at New Market, in Charlestown township, at some point within said town, to be designated by the board of commissioners of said county, which shall be known as the precinct of New Oregon, and all elections there held shall be governed and conducted according to the general laws relating to elections now in force, except as hereinafter provided.

SEC. 2. That it shall be the duty of the board of county commissioners of said county annually, at their June session, to appoint some person resident at or in the neighborhood of said town of New Market and within said township, to act as inspector of elections at said precinct of New Oregon; and when any vacancy may occur from the non-appointment or non-appearance of the inspector, the same may be supplied as is provided in the nineteenth section of the fifth chapter of the Revised Statutes of 1843.

SEC. 3. That nothing in the general law of January 13, 1845, "confining voters to their respective townships," shall be construed to prevent or exclude any qualified voter of Charlestown, New Washington, or Monroe townships, in said county, from voting at any election held for the purposes as aforesaid, either at the usual place of holding elections in said townships, or at the said precinct of New Oregon, as may suit the convenience of said voter.

CHAPTER CCLX.

An Act to vacate certain streets and alleys in Cambridge City.

[APPROVED JANUARY 18, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That a certain alley in Cambridge City, Wayne county, Indiana, between lots five, six, eleven, and twelve, in block number fifteen, east of the river and north of the National road, be and the same is hereby vacated.

SEC. 2. That so much of North Front street as lies between lots numbers eleven and twelve, in block fifteen, and five and six, in block number sixteen, east of the river and north of the National road, and all the fractional lots on the east side of said block, be and the same are hereby vacated.

SEC. 3. That so much of the alley as lies between lots number five and six, eleven and twelve, in block number sixteen, and the fractional lots in said block, be and the same is hereby vacated.

SEC. 4. That so much of North Second street as lies between lots numbers ten, eleven, and twelve, in block number sixteen, and lots numbers five, six, and seven, in block number twenty-one, east of the river and north of the National road, be and the same is hereby vacated.

SEC. 5. This act to be in force from and after its passage.

CHAPTER CCLXI.

An Act to change the name of the town of New York, in Switzerland county, in the State of Indiana.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the name of the town of New York, in Switzerland county, State of Indiana, be and the same is hereby changed to that of Florence.

SEC. 2. That hereafter said town shall be known and designated by the said name of Florence; and that all business transacted for or on behalf of said town shall be done and transacted by the said name of Florence, whether corporate or otherwise.

SEC. 3. That none of the rights, titles, privileges, or interests of any of the citizens of said town shall be in any wise affected by said change, but the same shall be held and enjoyed to all intents and purposes as though said change had not been made.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER CCLXII.

An Act to legalize an act of the board of county commissioners of Elkhart county.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That an order made by the board of the county commissioners of Elkhart county, at the December session of said board, A. D. 1846, relative to the drawing of the panels of the grand and petit jurors at their June session, A. D. 1846, be and the same is hereby legalized, and that the record of the said drawing, made in pursuance of the order of said board, is hereby declared to be in all respects valid, as if the same had been made at the time of said drawing.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCLXIII.

An Act for the relief of Joel B. Cahoon.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the Agent of State be and he is hereby authorized and directed to pay to Joel B. Cahoon the sum of five hundred and thirty-three dollars, with interest thereon from the twenty-fifth day of August, 1840, out of any moneys that may now be or hereafter come into his hands belonging to the State, which payment when so made shall be in full discharge of the award made by S. H. Patterson, J. McCord, and D. R. McNair, commissioners, in favor of said Cahoon and against the State of Indiana.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCLXIV.

An Act to incorporate the Upper Wabash Canal Company.

[APPROVED JANUARY 23, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That Theophilus Wilson, George F. Baker, William Vance, George French, Almon Case, William Studabaker, William H. Deem, Joseph Logan, William P. Shepherd, Samuel Decker, and their successors in office be, and they are hereby constituted a body politic and corporate, for the purpose of constructing a canal, commencing at the Wabash and Erie Canal, at or near the town of Huntington, in the county of Huntington, and State of Indiana, and running thence up the Wabash valley to Bluffton, the county seat of Wells county, and State aforesaid; thence up said valley to or near New Corydon, in Jay county, in said State; thence to the line dividing between the States of Ohio and Indiana, at or near where said line is intersected by the line which separates Jay and Adams counties in the last named State, giving, however, to said company the right of diverging from the direct line, between any of the points aforesaid, so as to secure the ground most favorable for the construction of said canal; said company to be known and designated as the "Upper Wabash Canal Company," and by that name they and their successors shall have perpetual succession, and may take, purchase, and hold, to them and their successors, in fee simple, or any less estate, any lands, tenements, or hereditaments, and also, any personal estate which may be necessary for the efficient prosecution of the objects contemplated by this act; and shall be capable by their corporate name aforesaid, to sue and be sued, plead and be impleaded, answer and be answered unto, in any and all courts of competent jurisdiction, and shall have and use a common seal, which they may alter or change at pleasure: *Provided,* That the stock, funds, and property of said company shall be applied to no other use or purpose than is provided by this act.

SEC. 2. The capital stock of said company shall be three hundred thousand dollars, divided into shares of fifty dollars each; and said company is hereby invested with power to increase the capital stock, should the same become necessary, at any time, in order to accomplish the object herein contemplated.

SEC. 3. It shall be lawful for all persons of lawful age, for the agent of any corporate body, State, or the United States, on behalf of the same, to subscribe for any amount of the stock aforesaid, and the corporation may require such sum of money, (or part of said stock,) to be paid at the time of subscribing as they may deem expedient, which sum shall be in proportion to the shares taken by the

subscribers; but shall, in no case, exceed the sum of ten dollars to each share; but such requisition shall be made known by being inserted in the notice for opening the books of said corporation, which notice shall be published in some newspaper of general circulation in this State, at least thirty days prior to the opening of the books aforesaid; and said books shall be kept open from time to time, and at such places as said company shall deem expedient: *Provided, however,* That like notice shall be given of each subsequent opening of said books, as is herein required to be given of the first opening thereof, until all the capital stock of said corporation shall be subscribed.

SEC. 4. Said corporation shall cause books to be opened at such time and place as they may deem proper, notice thereof having been given as hereinbefore directed; and in each of the books aforesaid the following entry shall be made by each subscriber of stock to said company, "We, the undersigned, promise to pay the sum of fifty dollars for each share of stock set opposite to our names, at such time or times, and in such manner, as the president and directors may direct, in pursuance of the provisions of this act, as witness our hands this ——— day of ——— 184—."

SEC. 5. The directors named in this act, or a majority of them, may meet at such time and place as they may agree upon, and organize said company by electing one of their own body president, and another clerk, and after such organization any six of the board shall be a quorum, able and capable of transacting all business pertaining to said corporation.

SEC. 6. There shall be an election of directors annually thereafter at such time and place as the directors may agree upon, which shall be conducted by three judges appointed by the stockholders aforesaid, or a majority of them, and the persons having a majority of all the votes given, shall be declared duly elected: in all elections each share shall entitle the holder thereof to one vote, which may be given by the holder thereof, his, her, or its agent or attorney.

SEC. 7. It shall be the duty of the directors elected as aforesaid, and at all subsequent elections, to meet as soon as convenient thereafter and elect one of their number president, and another thereof clerk, and they, together with the directors aforesaid, shall hold their office until their successors are elected and qualified.

SEC. 8. The said corporation shall have power to appoint agents, clerks, trustees, engineers, superintendents, artists, and all other officers and servants necessary to carry into effect the provisions of this act. They shall keep a journal of their proceedings, in which shall be inserted all by-laws, rules and regulations, and orders of the company for the payments of such allowances as may be made by them to their officers, servants, and all others in their employ, which journal shall be signed by the president at the expiration of each meeting, which may be as often as necessity requires; and in case the

president is absent, then said directors shall appoint one of their number president *pro tem*.

SEC. 9. The directors of said company may receive personal property, labor, and also real estate, in payment of stock to said company, which real estate shall be valued as provided for in the tenth section of this act, whenever the directors and the persons offering the same are unable to agree as to the value thereof.

SEC. 10. That it shall be the duty of any justice of the peace in the township where the lands or real estate heretofore mentioned is situate, upon application of the president of said company, to issue a summons to three disinterested freeholders of the township, who shall act as commissioners to appraise the real estate aforesaid, as offered in payment of stock to said company, whose duty it shall be, after being duly sworn, to faithfully and impartially discharge the duties of their office to appraise such real estate as they may be required to appraise by the president of said company, at a fair cash value, for which service they shall receive fifty cents per day, to be paid by said company aforesaid, and the appraisement aforesaid shall be filed and registered in the journal of said corporation by the clerk thereof.

SEC. 11. Certificates of stock shall be given to each stockholder, which shall be evidence of the stock held, which shall be signed by the president, and countersigned by the clerk. The stock shall be transferable on the books of the corporation only by the holder, agent, or attorney, or by the administrator, executor, trustee, or guardian, and not otherwise.

SEC. 12. The corporation shall have power to call for such proportion of the stock subscribed, not exceeding twenty-five per cent. of the amount of stock, every six months, as they may think proper, to be paid at such time and place as they may designate, by giving sixty days' notice in the nearest newspaper to the place where a majority of said stock is held, in all such notices the amount demanded on each share, and the time and place of payment shall be set forth; and if any stockholder neglect or refuse to pay such requisition within twenty days of the time named for such payment, the corporation may bring suit against such delinquent for the amount due in any court having competent jurisdiction, and recover the amount and interest thereon; and if the amount cannot be made on execution, then the corporation may, by an order on their books, declare such stock forfeited to the corporation, with whatever amount may have been paid thereon, and the same shall be absolutely forfeited to said corporation, and all the rights and privileges of such delinquent are hereby declared forfeited and at an end, if payment be not made within twelve months after the issuing of such execution.

SEC. 13. The corporation shall require of all officers bonds with security to their acceptance, with such penalties as they may deem proper for the faithful discharge of their respective duties; and also each officer shall take an oath prior to his entering upon the duties

aforesaid, that he will faithfully and impartially perform the same according to the best of his skill and abilities.

SEC. 14. As soon as all the stock shall be subscribed named in the second section of this act, it shall be the duty of said corporation to give sixty days' notice to the stockholders of said company that an election will be held for the purpose of electing ten directors of said company, who shall be stockholders therein, and the notice last mentioned shall be made in some newspaper, and shall contain the time and place of said election, which election shall be conducted in all respects as provided for in section six of this act.

SEC. 15. The corporation shall have power from time to time by their agents to examine, mark, survey, and locate said canal mentioned and described in section first of this act.

SEC. 16. And for the purpose of making said examination, and also for the purpose of location and completion of the canal aforesaid, it shall be lawful for said corporation, by their agents and persons in their employ, to enter upon any lands, to make surveys, mark, and estimate the probable cost, and for the purpose of searching for wood, stone, and other materials necessary and proper for the construction of said canal aforesaid; but no such materials shall be taken from any land without the consent of the owner or owners thereof.

SEC. 17. It shall be lawful for said corporation, either before or after the location of said canal, to obtain from the owner or owners of the lands through which it may pass, a relinquishment of so much of the land as may be necessary for the construction and location of the canal aforesaid, as also stone, timber, gravel, and other materials that may be obtained on said route.

SEC. 18. That in all cases where any person through whose lands said canal shall run, shall refuse to relinquish the same, or where a contract cannot be made by the parties, it shall be lawful for the president of said corporation to give notice to some justice of the peace in the county where such difficulty exists, and the justice shall thereupon summon the owner of said land to appear before him on a particular day, within ten days after said notice, and shall cause to be summoned twelve disinterested freeholders of the township, who shall, after taking an oath faithfully and impartially to assess the damages, if any, and view the lands or materials, and after having taken into consideration the advantages as well as disadvantages the canal may be to the same, and shall report thereon whether such person is entitled to damages or not, and if so, how much, and they shall file such report with such justice; whereupon, said justice shall enter judgment thereon, unless for good cause shown; and in case either party can show sufficient cause why judgment should not be entered, the justice may grant a review, either with or without cost: *Provided*, That either party may at any stage of the proceedings appeal to the circuit court of the proper county, and the judgment of the circuit court shall be final.

SEC. 19. And said company is hereby authorized and empowered to construct dams across the Wabash river, at any point between the town of Lancaster, in the county of Wells, and the town of New Corydon, in the county of Jay, so that the water of said river may be used as a feeder to said canal, or for purposes of slack water navigation.

SEC. 20. Said canal shall be of sufficient width and depth to admit the boats of the Wabash and Erie canal to navigate therein.

SEC. 21. The corporation may charge and receive such tolls and freights for the transportation of passengers, and commodities of all kinds whatever, on said canal, as shall be for the interest of said company, and the same to alter at pleasure: *Provided*, That the rates established from time to time shall be posted up in some conspicuous places on said canal.

SEC. 22. The said corporation shall commence the construction of said canal in five years from the passage of this act, and complete the same within fifteen years therefrom; and in case said company shall fail to commence, or having commenced, to complete the construction of said canal, in pursuance of the provisions of this act, then this charter shall be null and void.

SEC. 23. And if any person or persons shall wilfully injure, deface, destroy, or carry away any part of said canal, or property belonging to the same, he, she, or they shall, upon conviction thereof in any court of competent jurisdiction, be fined in any sum not exceeding one thousand dollars.

SEC. 24. The stockholders shall be individually liable for the payment of all debts due to laborers.

SEC. 25. This act to take effect and be in force from and after its passage.

CHAPTER CCLXV.

An Act to incorporate the Greensburgh and Harrison Turnpike Company.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Antrin R. Forsyth, Seth Lowe, John Thompson, Green B. Roszell, James Hamilton, Robert Ross, James Morgan, James B. Foley, John Hopkins, and James Freeman, of Decatur county, William Godley and Warren Tebbs, of Dearborn county, and Thomas Sunman, of Ripley county, and their successors in office, duly elected as hereinafter directed, are hereby constituted a body corporate and politic, by the name and style of the "Greens-

burgh and Harrison Turnpike Road Company," and by such name and style shall be able and capable in law and equity, to sue and be sued, plead and be impleaded, and answer and be answered unto, in any and all courts whatever; to make and use a common seal, and the same to alter at pleasure; and shall be able to make all contracts necessary to the object of such company, and enforce necessary by-laws, rules, and regulations, to enable them to carry into effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the constitution and laws of this State.

SEC. 2. The capital stock of said company shall be two hundred thousand dollars, divided into shares of fifty dollars each, with power to increase the capital stock, if necessary, to accomplish the object herein contemplated.

SEC. 3. The directors in this act named, or a majority of them, shall meet at such time and place as they may agree on, and organize said corporation by electing one of their body president; and after such organization, any five of such board shall be a quorum to do business.

SEC. 4. Such corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, artists, and all other persons, and officers necessary to carry into effect this act; they shall keep a journal of their proceedings, in which shall be entered all by-laws and regulations, and all orders of what nature soever, of said board, which journal and proceedings shall from time to time be signed by the president of such board; they may sit on their own adjournments, or on a call of the president; and when the president is absent at any meeting of such board, they may appoint a president *pro tempore*; and they may fill all vacancies that may occur in their body.

SEC. 5. Such corporation shall cause books to be opened for the subscription to the capital stock aforesaid, at such times and at such places as they may order, due notice of which shall be given in the newspapers printed and published in the said counties of Decatur, Ripley, and Dearborn, in each of which books the following entry shall be made: The undersigned promises to pay the sum of fifty dollars for each and every share of stock set opposite our names, in such manner and at such times, and in such proportions as the president and directors of the Greensburgh and Harrison Turnpike Road Company shall direct. Witness our hands, this — day of — 18—.

SEC. 6. It shall be lawful for all persons of lawful age, and for the agent of any corporation, to subscribe for any amount of the capital stock aforesaid; and the said corporation may, by agent duly appointed, offer for sale in any other State, any amount of stock, upon such terms and conditions as may be thought advisable by said board; and they shall have power upon their own credit, to borrow money upon such terms as may be agreed upon by the parties such contract. The corporation shall have power to require such

sum of money to be paid at the time of subscribing, not exceeding ten dollars on each share subscribed, as they may think proper; but the amount required as last aforesaid shall be made known at the notice for opening books as aforesaid, and all future payments on the stock subscribed, shall be under the direction of the board aforesaid.

SEC. 7. As soon as one hundred shares of such stock is subscribed, and ten dollars on each share are paid as aforesaid, it shall be the duty of the corporation to give three weeks notice thereof in some newspapers aforesaid, and in such notice appoint a time and place for such stockholders to meet, and elect thirteen directors, who shall be stockholders, and citizens of this State; and which election shall be by ballot, and conducted under the superintendence of an inspector, two judges, and one clerk, appointed by the stockholders present at such meeting, and the persons having the highest number of votes, shall be declared duly elected; in all elections, each share from one to five shall entitle the holder to one vote, and every five shares additional, to one vote only, to be given by the person or persons owning the same, or by one of any partners, or by the husband, father, administrator, or executor, trustee or guardian, or by the agent of any corporation; and any person who may have a right to vote, may vote by proxy.

SEC. 8. It shall be the duty of the directors, elected as above, and those elected at all subsequent elections, to elect one of their own body to be president; the president and directors thus elected, shall continue in office until the next annual election, and until their successors are elected and qualified.

SEC. 9. All the elections after the first, shall be on the first Mondays of January annually, under the direction of the stockholders present, of which election notice shall be given, but should no election be held on the day appointed by this act, or by the directors of the first election, it shall be lawful to hold the election on any other day.

SEC. 10. Certificates of stock shall be given to the stockholders, which shall be evidence of the stockholders, (stock held.) They shall be signed by the president and countersigned by the clerk, the stock shall be transferred on the books of the corporation only, personally or by agent or attorney, or by the administrator, executor, trustee, or guardian; but such stock shall be at all times holden by the corporation for any dues from the holder thereof to the corporation, or for any sums that may hereafter become due, on a contract made prior to such transfer.

SEC. 11. The corporation shall have power to call for such portions of the stock subscribed, not exceeding fifteen per cent., every six months, as they may think proper, to be paid at such time and place as they may designate, by giving sixty days notice thereof, in the newspapers printed and published in the counties of Decatur, and Dearborn, and Ripley, or by giving written notice to the stock-

holders, in which shall be specified the amount demanded on each share, and the time and place of payment; and if any stockholder shall fail or refuse to pay such requisition within ten days after the time named for such payment, the corporation may bring suit against such delinquent for the amount due and called for, in any court of competent jurisdiction, and recover the amount with interest thereon at the rate of ten per cent. per annum, and if the amount cannot be made on execution, or if such delinquent is out of the State, then the corporation may by an order on their books, declare such stock forfeited to the corporation, with whatever amount may be paid thereon, and no such delinquent after the forfeiture of his stock, or before such forfeiture, [and] in arrear as aforesaid, shall have the right to vote for directors, or receive any dividend of his, her, or their stock, until such corporation be satisfied on account of such delinquency; the corporation shall require of all officers and others in their employ, bonds with such security as they shall think proper for the faithful performance of their respective duties.

SEC. 12. The corporation by themselves, or agents, shall have power to examine, survey, locate, and mark a turnpike road from Greensburg, in Decatur county, to Harrison, in Dearborn county, running the same on the best ground, for the interest of the company and the convenience of the public, and the said road shall be fifty feet in width.

SEC. 13. And for the purpose of making such examination and location, it shall be lawful for the corporation, by their agents, or persons in their employ, to enter upon any land, to make surveys and estimates, and for the purpose of searching for stone, wood, gravel, or other materials necessary for the construction of said road, but no stone, gravel, or other material, shall be taken from off any lands, without the consent of the owner thereof, until the amount of the compensation therefor shall have been ascertained and paid.

SEC. 14. It shall be lawful for such corporation either before or after the location of said road, to obtain from any person or persons through whose lands the same may run, a relinquishment of so much of said land as will be necessary for the construction of said road, also the stone, gravel, wood, and other materials as aforesaid, and may contract for stone, gravel, and other materials necessary for the same, that may be obtained from any lands near thereto; to receive by donations, gifts, grants, or bequests, lands, moneys, labor, property, stone, gravel, wood, or other materials, for the benefit of said corporation; and all such contracts, relinquishments, donations, grants, gifts, or bequests, made and entered into in writing by any person or persons able in law to contract, and for the benefit of said corporation, may and shall be made effectual for the purposes aforesaid, by action at law or in equity, any court of competent jurisdiction: *Provided*, That all such contracts, relinquishments, gifts, grants, bequests, &c., shall be made in writing by the party chargeable thereby.

SEC. 15. That when said company shall have procured the right

of way, as herein provided, they shall be seized in fee simple of the right to such land, shall have the sole use and occupation of the same for the purposes aforesaid, and no person, body corporate or politic, shall in any way interfere with, molest, injure or disturb any of the rights and privileges granted.

SEC. 16. The company shall commence the construction of said road within five years from the passage of this act, and finish the same within ten years thereafter: *Provided*, That if five miles of said road shall be completed within the time aforesaid, this charter shall not be forfeited as to that part of the road so completed, nor any part that may be completed within ten years.

SEC. 17. The said company shall cause said road to be opened not exceeding fifty feet wide, at least sixteen feet of which width shall be artificial road, composed of stone or gravel, well compact together, in such manner as to secure a firm, substantial and even road, rising in the middle with a gradual curve, and shall maintain and keep the same in good repair, and in no case shall the ascent in said road be greater than an elevation of four degrees.

SEC. 18. If said road after the completion thereof, shall be suffered to go to decay, or be impassable for one year, unless when the same is repairing, this charter shall be considered as forfeited.

SEC. 19. So soon as said corporation shall have completed said road or any five miles thereof, agreeable to the provisions of this act, they may erect a gate or gates at suitable distances apart, not less than five miles, and demand and receive of persons travelling on said road, the tolls allowed by this act: *Provided*, That the company shall have power to erect quarter gates, if to them it shall seem necessary to the protection of the rights of said company.

SEC. 20. The following shall be the rates of tolls for each and every ten miles of said road, and in the same proportion for a greater or less distance, to-wit: for every four wheeled carriage, wagon, or other vehicle, drawn by one horse or other animal, a sum not exceeding eighteen and three quarter cents; for every horse or other animal in addition, six and one quarter cents; for every cart, chaise, or other two wheeled carriage or vehicle, drawn by one horse or other animal, not exceeding twelve and one half cents; for every horse or other animal in addition, six and one fourth cents; for every sled or sleigh drawn by one horse or other animal, six and one fourth cents; for every horse or other animal in addition, six and one fourth cents; for every coach, chariot, or other four-wheeled pleasure carriage, drawn by one horse or other animal, not exceeding eighteen and three quarter cents; for every additional horse or other animal, six and a quarter cents; for every horse and rider, not exceeding ten cents; for every horse, mule, or ass, six months old or upwards, led or drove, not exceeding three cents; for every head of neat cattle, six months old and upwards, one cent; every hog or sheep a cent each: *Provided*, That all persons going to or returning from funerals, public worship, or militia musters, shall pass said road free of toll.

SEC. 21. If any person or persons using said road shall, with intent to defraud said company, or evade the payment of toll, pass through any private gate or bars, or along any other ground near to any turnpike gate, which shall be enclosed pursuant to this act, or shall practice any fraudulent means, with intent to evade or lessen the payment of any such tolls, or if any person shall take another off said road with intent to defraud said corporation, each and every person concerned in such fraudulent practice shall, for every such offence, forfeit and pay to said corporation the sum of five dollars, without any stay of execution, to be recovered with costs of suit, in an action of debt, at the suit of the corporation, before any justice of the peace of the county or counties through which it passes: *Provided*, That nothing in this act shall be so construed as to prevent persons residing on said road from passing thereon about their premises, for common and ordinary business.

SEC. 22. The company shall put a post of stone at the end of each mile, with the number of miles from each extremity, fairly cut or painted thereon, and also in a conspicuous place near each gate, shall be placed a board, with the rates of toll fairly painted thereon, and all other necessary matter in relation to direction.

SEC. 23. Any person wilfully or maliciously destroying, defacing or removing any guide board, mile post or stone, or list of rates of toll erected on said road, shall, on conviction thereof before any justice of the peace, forfeit and pay a sum not exceeding twenty dollars, to be recovered with costs of suit in an action on the case, at the suit and for the use of the corporation.

SEC. 24. If any toll-gatherer on said road shall unreasonably detain any passenger, after the toll has been paid or tendered, or shall demand or receive greater toll than is by this act allowed, he shall, for every such offence, forfeit and pay a sum not exceeding ten dollars, to be recovered before any justice of the peace having competent jurisdiction, within twenty days after the occurrence.

SEC. 25. The corporation shall cause to be kept a fair account of the whole expense of making and repairing said road or any section thereof, with all incidental expenses, and also a fair account of the tolls received, and the books of said corporation shall always be kept open for the inspection of any stockholder or creditor of said company, and the said company may at any time dispose of the stock to the State or counties through which it passes, for the money actually paid in or expended about said work.

SEC. 26. It shall be lawful for the county commissioners of DeCATUR, Dearborn, and Ripley counties for and on behalf of their respective counties, to authorize by an order as much of the stock to be taken as they may think proper.

SEC. 27. The stockholders in said corporation shall be liable in a just ratio or proportion of their amount of stock held or subscribed for, all debts incurred or created during their said possession of said stock, and in case of sale or transfer of said stock from the original subscription, it shall not release the original subscriber in his just pro-

portion from any debt or debts incurred or created during his, her, or their possession of said stock.

SEC. 28. This act to take effect and be in force from and after its passage.

CHAPTER CCLXVI.

An Act to amend and explain an act entitled "An act for the relief of the heirs of the late Captain Richard McCarty," approved January 15, 1846, and to quiet the titles of occupants of lands therein named.

[APPROVED JANUARY 23, 1847.]

WHEREAS, A petition was presented to the last session of the General Assembly of this State, representing that Captain Richard McCarty in his lifetime had become entitled to lands lying within this State, for services rendered by him during the revolutionary war; that his heirs were concerned lest their title to his lands in this State may be questioned from the fact of their having been born in Canada, and a part of them being aliens, praying that an act be passed confirming to them a valid title to all such lands in Indiana, the same as if said heirs had been born American citizens, so that their sales already made or to be made, may be rendered valid. AND WHEREAS, An act was passed at said session entitled "An act for the relief of the heirs of the late Captain Richard McCarty," approved January 15, 1846. AND WHEREAS, Doubts have arisen whether the said heirs may not harass the persons who occupy said lands or part of them claiming to be purchasers from the heirs of said McCarty, some of whom have so occupied ever since the year 1795, claiming to hold as purchasers from the widow and children of said McCarty, but as the deeds under which they claim were executed in Canada, or by an attorney who acted under a power of attorney, executed in Canada, and doubts have arisen whether said deeds and powers are legally executed and acknowledged. Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That said above recited act of the General Assembly shall not be so construed as to give to the heirs of the said Richard McCarty or their heirs or assigns, any other rights or remedies than those they would have had if they had been adult resident citizens of this State continually from the death of the said Richard McCarty to the passage of said act; and the several statutes of limitations shall be applicable to said heirs, and the rights and remedies in the same manner as if they had been such resident citizens.

SEC. 2. That all powers of attorney and deeds purporting to be such, and purporting to be signed by the widow and heirs of said McCarty or any of them, or the widow for herself and as agent for her son, and the daughter of said McCarty and her husband, to John Armstong, captain in the first United States regiment, are hereby declared to be valid powers of attorney and deeds; and such deeds and the deeds executed under any such power of attorney shall be valid, and pass the title to the lands in such deeds described to the grantees, their heirs and assigns forever, whether acknowledged or not, to all intents and purposes as though the same had been duly acknowledged and signed by the legal owners of said lands according to the laws of this State: *Provided*, Such deed or power of attorney be more than thirty years old at the time of the passage of this act.

SEC. 3. All deeds of conveyance of any lands and tenements lying within this State, to citizens of the United States, made and executed within or without the limits of this State by the heirs or devisees of Captain Richard McCarty, prior to the first day of January one thousand seven hundred and ninety-one, be, and the same are hereby confirmed and rendered valid and effectual conveyances of such lands and tenements.

SEC. 4. All powers or letters of attorney made and executed within or without the limits of this State prior to the first day of January, one thousand seven hundred and ninety-one, by the heirs or devisees aforesaid, whether the same shall have been executed by a feme covert or otherwise, for the purpose of authorizing an attorney in fact to convey any lands and tenements of the said heirs or devisees lying within this State be, and the same are hereby confirmed and rendered valid and effectual instruments to all intents and purposes therein expressed.

SEC. 5. No inaccuracy, omission, or other defect in the execution or acknowledgment of any of the before mentioned instruments shall vitiate them or any of them, but the same are hereby confirmed and rendered as valid and effectual to all intents and purposes as if the same had been executed by a resident born citizen of this State according in all respects to the laws thereof.

SEC. 6. Any deed for any of such lands lying within this State, or any letter or power of attorney authorizing the conveyance of such land whether executed in or out of this State, purporting to be executed by an attorney or agent thirty years prior to the passage of this act, the authority of the agent or attorney executing such deed, letter, or power of attorney, need not be shown, but the same shall be presumed; and every such deed, letter, or power of attorney, shall be *prima facie* evidence of the truth of its contents, and shall be binding upon every person who shall appear from the body of such deed, letter, or power of attorney, it was the intention of the instrument to bind; and no defect of whatever kind in the man-

ner of executing or acknowledgment of such deed, letter, or power of attorney, shall vitiate the same.

SEC. 7. The title of any and all persons now in possession of any of said lands, and who, or whose grantor, devisor, or ancestor, or any one or more, or all of them, have been in quiet possession thereof, claiming title by, through, or under any deed executed or purporting to be executed by the widow and heirs or by devisees of said Richard McCarty, or any of them, or by their attorney, under letter or power of attorney, or person to whom such attorney may have deeded the same, thirty years prior to the passage of this act, is hereby declared to be valid and effectual; and the State of Indiana hereby relinquishes to such person or persons now so in possession, their heirs and assigns, all title and claim to or by escheat to any and all of said lands so claimed and possessed.

SEC. 8. That in any action now pending or hereafter commenced in which the title to real estate conveyed or attempted to be conveyed by or through any of the deeds, powers or letters of attorney aforesaid, shall come in question, such deed, power, or letter of attorney shall be received as legal evidence, without proof of its execution: *Provided*, The same shall be first shown to have been in existence for thirty years prior to the passage of this act, and all the contents or recitals in any deed for any of said land lying within this State, which shall have been in existence for thirty years or more prior to the passage of this act, shall be *prima facie* evidence of the truth of such contents against all persons whatever, whether parties to such deed or not.

SEC. 9. No action for the recovery of any such land or the possession thereof, shall be commenced or maintained in this State unless the plaintiff in such action or some one under whom he claims title, shall have been in the actual and personal possession of the land claimed within forty years next before the commencement of the action.

SEC. 10. That hereafter no action shall be maintained either in law or equity to recover any lands within the district of country granted by the State of Virginia to General George Rogers Clark, and to the officers and soldiers of his regiment, commonly called "Clark's or Illinois Grant," from any person or persons holding and claiming such lands under tax titles or titles by deed executed and recorded from the officers and soldiers to whom such lands were originally allotted by the commissioners appointed under the law making said grant, or from their heirs, executors, administrators, and attorneys in fact, or any of them, when such titles have been acquired in good faith, and such lands have been holden under such titles undisputed for thirty years, upon the ground of any defect or informality in the sale or conveyance, or any acknowledgment thereof, by which such title has been acquired: and all such deeds are hereby declared to be valid and effectual, and such possession under

such claim shall be evidence of a legal and valid title in such possessor or occupant, his heirs or assigns.

SEC. 11. All acts and parts of acts coming in conflict with the provisions of this act are hereby repealed.

SEC. 12. This act to be in force from and after its passage.

CHAPTER CCLXVII.

An Act to incorporate the Belmont Manufacturing Company.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Ezekiel Morrison, Amzi Clark, George W. Allen, John B. Niles Gilbert Hathaway, John P. Early, and Ferdinand Roberts, and such other persons as may associate with them, and their successors shall be, and they are hereby declared to be a body corporate, by the name and style of the "Belmont Manufacturing Company," and as such shall have continued succession, and be established at or near the village of Belmont, in the county of Laporte, and may establish branches for conducting its business in said county at such places as may be thought advisable by said company; and by their corporate name may sue and be sued, plead and be impleaded, contract and be contracted with, and may have and use a common seal, and the same may alter or abolish at their pleasure; they may purchase, hold, possess, and convey property, both real and personal, so far as the same may be necessary for the purpose of carrying on the business of said company.

SEC. 2. The capital stock of said company shall consist of not more than one hundred thousand dollars, in shares of one hundred dollars each, and shall be deemed and taken to be personal property, and may be assigned on the books of said company to be kept for that purpose, and not otherwise: *Provided*, That no assignment shall be made by any stockholder against whom the said company shall have any valid claim, unless by the consent of the directors of said corporation.

SEC. 3. Said corporation shall have power to manufacture flour from wheat or other grain; to manufacture cotton and woollen goods, and machinery of any kind, and may manufacture any products of this or other States into commodities for consumption or market, except distilled or fermented liquors, and from time to time may make and enact such rules, regulations, and by-laws as they shall deem necessary for the regulation of said company, not incon-

sistent with the constitution and laws of the United States and of this State.

SEC. 4. The persons named in the first section of this act, or any three of them, are hereby constituted commissioners, and as such are authorized to open books and receive subscriptions to the capital stock of said company at such times and places as they shall deem most expedient after the passage of this act, and so much of said subscriptions shall be paid in by the subscribers at the time of subscribing therefor as the said commissioners shall direct, and as soon as the sum of ten thousand dollars shall be subscribed, the said company may commence business.

SEC. 5. As soon as the sum of ten thousand dollars shall be subscribed to the capital stock of said company, the aforesaid commissioners shall order an election of five directors of said company, who shall have the management and government of the affairs and business of said company, and of the stock and property thereof. The said commissioners shall give at least fifteen days' notice of the time and place of such election, in some public newspaper published in the town of Laporte, and shall attend at the time and place of such election, and shall act as inspectors and judges thereof.

SEC. 6. The directors of said corporation shall be chosen from among the stockholders by ballot, and shall hold their offices for one year from the time of their election, and until their successors shall be chosen; the stockholders in said company may vote by proxy, and shall be entitled to one vote for each and every share of stock they may hold; and should any vacancy occur in said board of directors, by death, resignation, or otherwise, the remainder of said board shall have power to fill such vacancy.

SEC. 7. The said board of directors shall appoint one of their number to act as president, and shall have power to appoint all officers, agents, and servants that they shall think necessary to carry on their business, and may require security from the same, and all such officers to remove at pleasure.

SEC. 8. The said board of directors shall have power to fix and appoint the time of holding the annual meetings of said company for the election of directors of said corporation, at which meetings the said board shall exhibit a statement of the business and standing of said company, which statement shall be entered of record on the books of said company, which shall be at all times open to the inspection of any stockholder.

SEC. 9. All instalments required to be paid on the subscriptions to the capital stock of said company, after the election of directors, shall be assessed by said directors, of which assessment said directors shall give thirty days' notice in some public newspaper in the vicinity of said company, before such instalment so assessed shall be considered due, after which said directors shall proceed to collect the same by due course of law, together with all costs of suit, and such tax or damages as they may assess against delinquents for refusal to

pay such instalment, not to exceed ten per cent. on the amount of such instalment.

SEC. 10. The stockholders shall be individually liable for all debts against the company to the extent of, and in proportion to, the stock held by each stockholder, on the insolvency of the company.

SEC. 11. This act shall be deemed a public act, and as such shall be recognized by all courts of this State, and shall take effect and be in force from and after its passage, and shall continue for the period of thirty years: *Provided*, The said company shall have three years after the expiration of said charter to settle up their business.

CHAPTER CCLXVIII.

An Act relating to the office of Auditor of Union county.

[APPROVED DECEMBER 30, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the seventh section of an act, entitled "An act abolishing the office of county auditor in certain counties therein named," approved January 15, 1844, be, and the same is hereby repealed, so far as the same relates to the county of Union.

SEC. 2. *Be it further enacted*, That an act, entitled "An act to amend an act, entitled an act abolishing the office of county auditor in certain counties therein named, approved January 15, 1844," approved January 19, 1846, be, and the same is hereby repealed.

SEC. 3. *And be it further enacted*, That from and after the passage of this act the auditor of the county of Union shall be entitled to charge and receive for his services the same compensation and perquisites which attached to the office of auditor of said county by the laws in force previous to the adoption of the above recited acts; excepting the fee for noting transfers of lands, deeded or conveyed, on tax duplicate, subject, however, to the same regulations and restrictions and penalties as if said acts had never existed.

SEC. 4. This act to be published in the "Indiana State Journal," and to take effect and be in force from and after its passage; and all laws and parts of laws coming in conflict with the provisions of this act are hereby repealed.

CHAPTER CCLXIX.

An Act to incorporate the town of Point Commerce, in Greene county.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the inhabitants of the town of Point Commerce, are hereby created and constituted a body corporate and politic, by the name and style of the "Corporation of Point Commerce," and by that name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places, either in law or equity, and in all places whatsoever.

SEC. 2. The qualified voters of said town, or within the bounds of said corporation, shall be required to meet on the first Monday in September, 1847, for the purpose of electing one marshal, four councilmen, one secretary, and one street commissioner; and when so assembled, it shall be their duty to select an inspector, who shall select two judges and two clerks, all of whom, being duly sworn, shall proceed to conduct said election in the usual manner of conducting general elections in this State.

SEC. 3. It shall be the duty of the inspector and judges of such election to certify under their hands and seals, the person or persons receiving the highest number of votes for the several offices above enumerated; which certificate shall be filed and put on record by the secretary on the record of said corporation. The officers thus elected shall meet within ten days after such election, or a majority of them, and after taking an oath or affirmation to faithfully, diligently, and impartially discharge their duty in their several offices, shall be considered as being capable of transacting all business contemplated by this act of incorporation; and in case of any vacancy of any of the above named offices, except the office of marshal, the council shall have a right to fill such vacancy, provided said vacancy may not be filled by one of their own number: *And provided further*, That in case of a vacancy in the office of marshal, by death, resignation, or otherwise, it shall be the duty of the council to order an election to fill said vacancy; and the citizens of said corporation shall meet accordingly and elect by ballot a marshal, who shall hold his office for the unexpired term of the late marshal, and no longer, and shall be governed in every respect by the same rules and regulations applicable to the marshal as provided in this act. The council in such emergency shall elect an inspector.

SEC. 4. All officers elected under this act, shall serve one year, and until their successors are elected and qualified, which elections shall be conducted in the same manner, and on the first Monday in

September forever thereafter: *Provided, however,* That the marshal shall act as inspector of all such elections.

SEC. 5. The marshal, after taking the oath of office, shall enter into bond, with security to the satisfaction of the council, in the sum of five hundred dollars, payable to the State of Indiana, for the use of said corporation, for the faithful performance of the duties of his office, and shall be vested with all the powers of a justice of the peace, both in civil and criminal cases, and shall be governed by the statutes of the State, regulating justices of the peace in criminal and civil cases; and further, the said marshal shall preside at all meetings of the council, preserve order and decorum, and in case of a tie give the casting vote; and further, the said marshal shall sign all by-laws for the government of the council, and all laws enacted for the government of said corporation, and enforce the same.

SEC. 6. Within ten days after the election, the secretary and street commissioner shall enter into bonds for the faithful performance of their duties, as secretary and street commissioner, in a sum not less than three hundred dollars, to the satisfaction of said council and marshal, payable to the State of Indiana, for the use of said corporation; which bonds shall be deposited with the marshal, and entered upon the record of said corporation; and upon which suit may be brought, in the name of the State of Indiana, for the use of said corporation, for any neglect of duty, by which the said corporation may suffer.

SEC. 7. The street commissioner shall be vested with the powers of constable, serve all process issued by the marshal, and be governed in all his official acts by the laws of the State regulating the duties of constable; whose fees shall be the same as that of constable for similar services. It shall further be his duty to take charge of all such matters pertaining to the improvements of streets, alleys, &c., and such other supervision of the internal improvements of said corporation, as may from time to time be determined by the council of said corporation.

SEC. 8. The secretary shall attend all meetings of the council, shall make a record of all their proceedings in a book kept for that purpose, enter in said book all laws and ordinances passed by said council; and when said council shall direct, it shall be the duty of said secretary to procure from the county auditor an abstract of all the taxable property within the bounds of said corporation, which said abstract shall govern said secretary in making out his duplicate. It shall further be the duty of the secretary to act as treasurer to said corporation, to receive all moneys coming into the treasury, and collect all taxes assessed on the citizens of said corporation by the council, and pay out the same on the order of said council, and to keep a faithful and true record of the receipts and disbursements of the treasury.

SEC. 9. The several officers named in this act shall receive such compensation for their services from time to time, as may be deemed just and equitable by the council.

SEC. 10. The marshal and council shall have power annually to levy and collect a tax on real and personal property within the bounds of said corporation, not to exceed at any time, fifty cents on the one hundred dollars' worth of taxable property, on its valuation by the proper county officers, and on all shows, exhibitions, or amusements, which may be exhibited for gain, not less than one nor more than ten dollars for every exhibition; and further, said council shall have power to pass such laws or ordinances as they may deem necessary to guard against damage by fire, to regulate and govern the markets, to prevent the erection of public nuisances, and remove the same, and generally to enforce, by proper penalties, the observance of all laws and ordinances relative to the police and government of said incorporation.

SEC. 11. When the tax on any property or lot belonging to non-residents, except personal property, cannot be collected by the secretary without distress and sale, the secretary shall return said delinquent property to the auditor of the county, with the amount of tax due said corporation, who shall enter the same on his duplicate; which tax shall be collected by the county collector, and when so collected the treasurer of said county shall pay over the same to the secretary of said incorporation.

SEC. 12. The bounds of said corporation shall constitute and extend to the boundaries of the several tracts or parcels of lands on which said town, or any part thereof, is situate, and shall constitute one road district; which road district shall be under the control of the council of said incorporation, who may order the street commissioner to keep the same in good repair; which street commissioner shall have all the power of a supervisor of roads, over the hands within the bounds of said district, who shall be subject to the order of the street commissioner, in the amount of labor necessary to be done, and the said street commissioner to the order of the council: *Provided,* That nothing in this section shall be construed so as to exempt the citizens of said incorporation from working the roads leading into said town of Point Commerce, in the same manner and under the same order and arrangement as now provided by the county board of Greene county, in laying off said district for said county.

SEC. 13. All moneys arising from fines, licenses, and other sources, accruing under the regulations of said incorporation, shall be paid into the treasury thereof, and shall be expended under the direction of the council, to the repairs of the streets, and such other improvements as may be deemed most expedient.

SEC. 14. The council of said incorporation shall not at any time have the right of taking stock in any incorporated or unincorporated company whatever, making the citizens of said incorporation of Point Commerce liable therefor.

SEC. 15. This act to take effect and be in force from and after its passage.

CHAPTER CCLXX.

An Act to amend the charter of the Milford and Columbus Railroad Company.

[APPROVED JANUARY 25, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the first section of said charter be, and the same is hereby amended so as to add thereto, as a part of the body corporate and politic, the names of Henry Critser, John Wines, John Critser, William Critser, Eneas Galbraith, Jacob Rhodes, Joseph Hiner, Eldredge Hopkins, John Myers, John Williams, Isaac Brady, N. O. Hinman, Godfrey Minch, William McClintick, M. M. Hook, John Edwards, Sidnor D. Hanks, Zachariah Bush, Christian Emde, William C. Brown, David Anderson, James Tresler, A. Tresler, and Danville Branham; said persons, whose names are added as above, shall form a part of said corporation the same as if their names had been contained in said first section at the time of the granting of said charter.

SEC. 2. If any person forming a part of said corporation shall wish to withdraw therefrom, he may be permitted so to do by the consent of a majority of the members of said corporation, the person wishing to withdraw giving notice at some regular meeting of said board of his intention to withdraw at the next regular meeting of said board. And it shall and may be lawful to fill the vacancy that may occur by the death, withdrawal, or resignation of any member of said board, by the appointment of any person to fill said vacancy, which appointment shall be made by the consent of the person so appointed, and by a vote of a majority of the members of said board.

SEC. 3. The time for the commencement of said road shall be, and the same is hereby extended until the first day of February, 1850; and said company is hereby allowed five years from and after the said first day of February, 1850, to complete the same; and said company may have the right, and they are hereby empowered to change the character of said road to a turnpike, if a majority of said company may see fit to make said change.

SEC. 4. The capital stock of said company is hereby reduced to forty thousand dollars; and said company is hereby authorized to commence constructing said road as soon as ten thousand dollars are subscribed; and the stockholders of said company shall be liable individually for the debts of said company to the amount of the stock by them subscribed, and no further; and the Legislature hereby reserves the right to alter or amend said charter whenever the said company shall violate the same.

SEC. 5. So much of the twenty-second section of the act to which this is an amendment, as renders the directors and stockholders lia-

ble in their individual capacity, and so much of the twenty-third section of said act as reserves the right to the Legislature to amend said charter at any time be, and the same are hereby repealed.

SEC. 6. It shall and may be lawful for said company to receive subscriptions of stock in labor, property, or materials for the construction of said road.

SEC. 7. That said company, under the provisions of this act, and under the act to which this is an amendment, may construct and extend said road from the town of Milford, in the county of Decatur, to the town of St. Omar, in said county. This act to take effect and be in force from and after its passage.

CHAPTER CCLXXI.

An Act to amend an act, entitled "An act to authorize the removal of obstructions in Big and Little Blue rivers, in Shelby county."

[APPROVED JANUARY 23, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the provisions of the above entitled act be, and the same are hereby extended to Brandywine creek, in said county.

SEC. 2. This act to take effect and be in force from and after its passage and publication in the Indiana State Journal and Indiana State Sentinel.

CHAPTER CCLXXII.

An Act to vacate a certain alley in the town of Putnamville.

[APPROVED JANUARY 14, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That so much of an alley as is herein described, commencing at the southeast corner of lot number twenty-five, thence west along the southern line of lots numbers twenty-five, twenty-six, twenty-seven, twenty-eight, and twenty-nine to the southwest corner of lot number twenty-nine be, and the same is hereby vacated.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCLXXIII.

An Act for the relief of Joseph Dickey and David Quinn.

[APPROVED DECEMBER 18, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Agent of State be, and he is hereby authorized and directed, out of the first money that may come to his hands, or any money now in his hands, arising from the suspended debt, to pay to Joseph Dickey and David Quinn the sum of two hundred and fifty-eight dollars and sixty-two cents, with six per cent. interest thereon, from the ninth day of December, A. D., 1841, until paid, in full and in discharge of the damages awarded to them as contractors, for relinquishing their contract on section number one hundred and one of the White Water Canal.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCLXXIV.

An Act to incorporate the Perrysville Seminary.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That John N. Jones, Robert J. Gessie, Israel Abdell, John Russell, Elias N. Reynolds, Samuel Sturgeon, and Wm. H. Brown, of the county of Vermillion and State of Indiana, be, and they are hereby constituted a body corporate and politic, to be known by the name and style of the "Trustees of the Perrysville Seminary," and by that name shall have perpetual succession, and in their corporate name and capacity, may sue and be sued, plead and be impleaded, in any court of competent jurisdiction in the State: they may adopt a common seal and alter the same at pleasure; and in their corporate name and capacity are authorized to employ tutors and professors, to establish a constitution and by-laws, for the government and regulation of the said seminary, and do all other acts necessary and proper to carry into full effect the object of this institution, not inconsistent with the laws of this State or of the United States.

SEC. 2. The trustees shall be elected biennially on the first Monday of October, by the subscribers to said seminary, under such regulations as the trustees may from time to time adopt; the number of said trustees may be increased or lessened, if deemed expedient; the

said board shall elect a president, secretary, and treasurer, from their own body. The said trustees shall be competent in law and equity, to take to themselves and their successors, in their corporate name, any estate, real or personal, by the gift, grant, bargain, sale or bequest of any person or persons whomsoever; and the same to hold, grant, bargain, sell, convey, or otherwise dispose of, as shall by them be deemed most beneficial to the interests and prosperity of the seminary.

SEC. 3. The trustees appointed by the first section of this act shall meet at the town of Perrysville, on the first Monday of March next, or so soon thereafter as a majority of them may agree upon, and shall proceed to elect their President, secretary, and treasurer, and after being thus organized, shall have power to determine the time of their further meetings, the manner of notifying the same, to meet on their own adjournments, and adopt all necessary measures for the promotion of the interests of the institution, four members constituting a quorum to transact business.

SEC. 4. The treasurer, before entering upon the duties of his office, shall execute a bond, payable to the State of Indiana, in such sum as the majority of the trustees may direct, for the faithful discharge of his trust.

SEC. 5. The trustees shall cause a record of their proceedings to be kept in a book provided for that purpose, which record shall be open for the inspection of all persons concerned. The treasurer shall receive all moneys belonging to said seminary, and pay the same out on the order of the trustees and not otherwise.

SEC. 6. The board of trustees shall have power to fill vacancies in their own body, and if the subscribers should fail to hold an election as provided for in the second section of this act, the trustees for the time being shall continue in office until their successors are qualified, and all their acts shall be as valid as though such election had been held.

SEC. 7. The interest or shares in said seminary shall be transferable, under such rules and regulations as the trustees may prescribe.

SEC. 8. This act shall take effect and be in force from and after its passage.

CHAPTER CCLXXV.

An Act to repeal a certain act therein named.

[APPROVED JANUARY 14, 1847.]

WHEREAS, By several acts of the legislature upon the subject of the settlement and pay of supervisors, it is a matter of doubt and uncertainty in certain counties, where said officers shall make settlement and receive their allowances: Therefore, to remedy this evil,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of an act entitled "An act providing compensation to supervisors of roads and highways," approved January 10, 1845, as relates to the counties of Whitley, Noble, Steuben, De Kalb, and Lagrange, be and the same is hereby repealed.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCLXXVI.

An Act to authorize the trustees of township five south, of range five east, in Harrison county, to subdivide the township.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the trustees of congressional township number five south, of range five east, in Harrison county, be, and the same are hereby authorized and empowered to subdivide and change the school districts in said township, as the convenience of the different neighborhoods therein may require, without a petition of the majority of the voters therein.

SEC. 2. Notice of any intended subdivision or change of districts in said township shall be given, as required by the thirty-ninth and fortieth sections of the fifteenth chapter of the Revised Statutes of 1843.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CCLXXVII.

An Act to incorporate the Lafayette Hydraulic Company.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Henry L. Ellsworth, John Purdue, Eli N. Cooper, Samuel McCormick, Jesse Watson, John Roberts, and Rudolph S. Ford, of Tippecanoe county, and their successors in office, be and they are hereby constituted a body corporate and politic, under the name and style of "The Lafayette Hydraulic Company," and by that name shall be capable in law and equity to sue and be sued, plead and be impleaded, answer and be answered unto in all courts whatever; to make and use a common seal, and the same to alter or change at pleasure; and shall be and are hereby authorized and empowered to make contracts, and make and enforce the necessary by-laws, rules, and regulations to enable them to carry into effect the provisions of this act, and the effects contemplated by the same, not inconsistent with the laws and constitution of this State.

SEC. 2. The capital stock of said company shall be two hundred thousand dollars cash, with power on the part of said corporation to increase the capital stock, if necessary to accomplish the object herein contemplated.

SEC. 3. The persons named in the first section of this act, and their associates, or a majority of them, or a majority of the survivor or survivors of them, shall cause books for subscription to the capital stock of said company to be opened at such times and places as they may choose, after giving three weeks' notice thereof in some public newspaper in said county, in each of which books the following entry shall be made: "We, the undersigned, promise to pay the sum of one hundred dollars each for each share of stock set opposite to our respective names in such manner and proportions and at such times as the Lafayette Hydraulic Company may direct: Witness our hands, this — day of —, 18—."

SEC. 4. It shall be lawful for all persons of lawful age, or for any corporate body in the United States, by their constituted officers or agents, to subscribe for any amount of the capital stock of said company, and the said corporation may by their officers or agents offer for sale in any of the States of the United States any amount of their stock, upon such terms and conditions and upon such notice as may be thought advisable, but not until three months after books shall have been opened at Tippecanoe county as aforesaid; and said corporation shall have power to borrow money on their own credit on such terms as may be agreed upon by the parties: The said corporation may require such sums of money to be paid at the time of subscribing for stock, not exceeding five dollars on each share, as they may think proper, but the amount required to be paid on each

share shall be made known in the notice for opening the books; and any further instalments or payments on stock shall be under the control of and regulated by said company, subject to the restrictions hereinafter mentioned.

SEC. 5. As soon as two hundred shares of such capital stock are subscribed for and the amount required in said notice to be paid on each share at the time of subscription shall have been paid in, it shall be the duty of said corporation to give three weeks' notice thereof in some public newspaper in Tippecanoe county, and in said notice appoint a time and place for the stockholders to meet and elect five directors, who shall be stockholders and citizens of this State, and which election shall be by ballot, and conducted under the superintendence of three judges to be selected by the persons named in the first section of this act, and their associates and survivors, or a majority of them, and the five persons receiving the highest number of votes shall be declared duly elected, whether it constitutes a majority of all the votes of the company or not; and if two or more persons receive an equal number of votes, the said judges shall determine the election between such persons by lot: Such election shall be opened between the hours of nine and eleven o'clock, A. M., and closed at four o'clock, P. M., unless for the purpose of receiving votes then offered it shall be necessary to continue the election until six o'clock, P. M., at which hour it shall be closed: A certificate of such election shall be furnished by said judges to said corporation on the day of the election or on the one succeeding it.

SEC. 6. In all elections each share shall entitle the owner thereof to one vote, and to one vote for every other two shares so held by him; the vote or votes to be given by the owner or owners thereof, by him, her, or themselves, or by their agents, proxies, or legal representatives: Authority to vote by proxy may be given by the party in writing, under his hand, without seal or acknowledgment before any officer, but must be dated within two months prior to such election: Infant stockholders may vote by guardian, and femes covert by their husbands.

SEC. 7. It shall be the duty of the directors elected as above, and those elected at all subsequent elections, to elect one of their own body president: The president and directors thus elected shall continue in office until the next annual election, and until their successors are elected and qualified; but the term of the first board of directors thus chosen, shall expire so soon as their immediate successors are elected and qualified.

SEC. 8. All elections for directors after the first, shall be held on the second Monday in November in each year, the judges thereof to be appointed by the board of directors for the time being, and shall be conducted in all respects as provided in section six in this act, and upon similar notice: But should the stockholders at any annual election neglect or fail to elect directors as provided in this act, the company shall not on that account be dissolved, but the president and directors for the time being shall continue to exercise the duties of their office until their successors are chosen as aforesaid.

SEC. 9. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held: Such certificates shall be signed by the president and countersigned by the clerk of said company: The stock shall be transferred on the books of the corporation only by the person or persons owning the same in person, or by their legally constituted agent or agents, attorney or attorneys, or by their legal representatives, trustee, or guardian; and such stock shall be at all times holden by the corporation for any dues by the owner thereof to the corporation, or for any sums that may thereafter become due on any contract made with said corporation prior to such transfer.

SEC. 10. The said corporation shall have power to call for such portions of the stock subscribed for, not exceeding twenty-five per cent. every six months, as they may think proper, to be paid at such time and place as they may designate, by giving sixty days' notice thereof in some newspaper in said county, or by giving to the stockholders written notice, in which notice shall be specified the amount called for and demanded on each share, and the time and place of payment; and if any stockholder shall fail, neglect, or refuse to pay the sum so called for on his, her, or their stock within ten days after the time named for such payment in said notice, the corporation may bring suit against such delinquent for the amount due and called for, in any court having jurisdiction, and recover the amount so called for and unpaid in an action of debt, together with interest from the time of such failure, neglect, or refusal; and the evidence to establish such claim of the corporation shall be the order in the journal of the proceedings of said corporation calling for the instalment on the stock, and proof that the notice above specified had been given; and if the amount so recovered against such delinquent cannot be made on execution, or if such delinquent is out of the State, so that mesne process at the commencement of the suit cannot be served upon him, then the corporation may, by an order on their said journal of proceedings, declare such stock and all that may have been paid thereon forfeited to said corporation; but said stock may be redeemed by the said delinquent at any time within three months thereafter, by paying up all such arrearages, with interest, together with six per cent. damages; and no delinquent, after the failure, neglect, or refusal aforesaid, and before the stock shall be declared forfeited to the corporation, shall have the right to vote for directors, or to receive any dividend on his, her, or their stock, until the corporation is fully paid and satisfied; and should any such delinquent be a director in said corporation, his office of director may be by the balance of said board declared vacated, and they may proceed to fill from the qualified stockholders in said corporation such vacancy in such board of directors, and the person so appointed shall hold his office until the next annual election, and until his successor is elected and qualified.

SEC. 11. A majority of the board of directors shall constitute a quorum to transact business: Any vacancy happening in the board by refusal to accept, death, or other cause, may be filled for the un-

expired term by the balance of the board: The said corporation shall require of the directors, and of all other officers in their employ, bonds, in such penalty and with such security as they may think proper for the faithful performance of their respective duties or undertakings: The corporation may appoint a treasurer, clerk, and such other officers and agents as they may deem needful.

SEC. 12. All process against said corporation may be served upon the president, or upon any two of the directors, which shall be deemed sufficient service against said corporation.

SEC. 13. The said corporation shall have power, by themselves or agents, to construct a dam across the Wabash river, above the town of Lafayette, at any point within three miles of said town, and to construct on either or each side of the Wabash river a race or canal for the purpose of conveying the water from said dam or from the pool thereof, and to extend the same to or below the said town of Lafayette, or any point within one mile thereof, and to build a dam across Tippecanoe river, and construct a race or canal from such dam or the pool thereof towards or to the river bluff opposite said town, and thence to the Wabash river, and to connect the Wabash and Erie canal with the pool of the dam first above named, by means of an intersecting canal, for which purpose they may tap said Wabash and Erie canal, using such precautions as not to injure or obstruct the navigation thereof, or to lessen the water power thereof designed for manufacturing purposes: The said corporation may erect any and all necessary buildings, structures, and machinery for the purpose of carrying on any branch of manufacturing business by means of the water power to be obtained from their work and for the purpose of navigating the canal so to be constructed by them, and shall have the power to establish and carry on such manufacturing and navigating business: *Provided*, The said corporation shall have no power, authority, or right to take from said canal any more water than shall be used in and be necessary for the purpose of locking boats from said canal into the pool of said dam, and for no other purpose whatever: *And provided*, That if by any such tapping of said Wabash and Erie canal there should ensue any breach or other injury to it, the said company shall repair it: They may by purchase or relinquishment from the proper owner, or other proper mode of transfer, hold such real estate as may be necessary for the construction of their works, or for the carrying on of their business, or for the collection of their debts, and may, when needful, sell or dispose of the same.

SEC. 14. The said company shall have and may use the writ of *ad quod damnum*, and all the benefits arising from the law allowing such writ for the purpose of having condemned the necessary quantities of ground for the erection of abutments, the digging of their races and canals, and for the overflow of low lands occasioned by said dams.

SEC. 15. The said company at the time of constructing their dam across the Wabash river shall preserve the navigation thereof by

building at some suitable point a steam boat lock of the same size and capacity as those that may be constructed for navigation purposes upon the Wabash river below said point prior to the erection of said dam and lock, which lock shall also be so located and devised as not to injure or obstruct the navigation of the Wabash river at Lafayette: Said company shall at all times keep said lock in complete repair, so that boats can at any and all times pass the same without hindrance or delay; and shall construct a canal suitable for the passage of steam boats through said lock into the Wabash river, both above and below said dam, which lock and canal they shall at all times keep in a sufficient state of repair for the free passage of steam boats and other vessels: They shall also, by sufficient levees or embankments along the Wabash river, prevent, as far as may be, any overflow of lands by means of the dam so to be constructed across said river, and shall at all times keep such levees and embankments in a sufficient state of repair.

SEC. 16. The said company shall cause to be kept a fair account of the cost of their works and of all their expenditures, and they shall keep an account of all their proceedings in proper books: The books of the company shall be kept open at all reasonable times for the inspection of stockholders and creditors of the company.

SEC. 17. Said company shall erect and maintain good and sufficient bridges for the use of the public over all State and county roads which shall cross said canal or race, and they shall build and keep in good repair the necessary bridges and embankments for the free passage over said canal or race, wherever they may divide any farm or other tract of land not owned by said company.

SEC. 18. The stockholders shall be individually liable for the payment of all dues to the laborers upon said work that shall not be paid when due by the company in its corporate capacity.

SEC. 19. The legislature reserves the right to alter, amend, or repeal this act whenever said corporation shall violate any provisions of this act; and in case of the repeal at any time of the corporate powers hereby vested, the assets of said corporation over and above liabilities shall revert to the stockholders in proportion to the stock by them held.

SEC. 20. This act is hereby declared a public act, and shall receive a liberal construction, and shall be in force from and after its passage.

CHAPTER CCLXXVIII.

An Act relating to retailing intoxicating liquors in Laporte county.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall not be lawful for the board doing county business, or any other person in the county of Laporte, to grant to any person a license to retail intoxicating liquors in any township, if a majority of the qualified voters of such township shall decide against granting such license.

SEC. 2. For the purpose of ascertaining the wishes of the voters aforesaid relative to granting license in the various townships in said county, it shall be lawful for the said voters, at their respective township elections in April in each year, to vote by ballot for or against granting such license in the township where such voter resides.

SEC. 3. For the purpose of taking a vote upon the question aforesaid, each and every voter at said election may endorse, by writing or printing, upon the back of his ballot or ticket given at such election, if in favor of license being granted in the township in which he resides, the word "License," and if the said voter is opposed to license being granted as aforesaid, he may endorse upon his ballot the words "No license."

SEC. 4. The judges and inspectors of said election shall count the votes as taken in their respective townships, and certify the same to the auditor of said county, who shall lay the same before the board doing county business at its next session after said election, and if by the returns so transmitted and certified to the auditor it shall appear that a majority of all the votes given in any township are against license being granted in that township, no license shall be granted to retail intoxicating liquors in said township until after the next April election; but if in any township in said county a majority of all the votes given are not against granting license in that township, it shall be lawful to grant license to any and all persons, under the same rules and regulations and according to the laws now in force on that subject.

SEC. 5. This act to be in force from and after its passage, and the same shall be published in the "Laporte County Whig," and "Indiana Tocsin;" and it is hereby made the duty of the Secretary of State to forward a certified copy of this act to the clerk of the Laporte circuit court.

CHAPTER CCLXXIX.

An Act to establish a State road in the county of Jay.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That John Goff, David Garringer, and Thomas Atchison, of the county aforesaid, be and they are hereby appointed commissioners, empowered with the following powers, and for the purpose of viewing, marking, and locating a State road commencing at Portland, the county seat of the county aforesaid, running from thence north-eastwardly to the north-east corner of section one, in township number twenty-three north, of range number fifteen east, so as to intersect at that place a State road running thence to Celina, Mercer county, Ohio.

SEC. 2. The commissioners aforesaid, in order to carry into effect the objects of this act, are hereby empowered to employ a surveyor and chain carriers, and all other persons necessary and proper for the purposes aforesaid.

SEC. 3. Said commissioners are hereby empowered, in locating said road, to diverge from a direct line at any place or places between the points before mentioned, so as to obtain the best ground for said road and other purposes, having the public good constantly in view.

SEC. 4. The commissioners aforesaid shall meet at Portland, the county seat of said county of Jay, on the fourth Monday of May next, or at any other time to suit their convenience, and when thus met or assembled, and after taking an oath faithfully and impartially to discharge their duties as such commissioners, shall proceed to view, mark and locate said road; and further, said commissioners aforesaid shall, within ten days after locating the same, make out and file a report thereof with the auditor of the county aforesaid; and said auditor shall at the first meeting of the county board lay said report before said county board, who shall order the same to be recorded and opened the usual width as other State roads are; and said county board shall make said locating commissioners such allowance as they may think proper and just.

SEC. 5. This act to take effect and be in force from and after its passage.

CHAPTER CCLXXX.

An Act to authorize the county commissioners of Hamilton county to make an additional allowance to the auditor of said county.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the county commissioners of Hamilton county are hereby authorized to make such additional allowance to the auditor of said county as they may deem necessary, for services performed by him which should have been done by his predecessor, which allowance shall not exceed fifty dollars.

SEC. 2. This act shall be in force from and after its passage.

CHAPTER CCLXXXI.

An Act to facilitate the building of school houses in the county of Dearborn.

[APPROVED JANUARY 14, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the inhabitants of school districts in the county of Dearborn may levy a tax of forty cents on each one hundred dollars' worth of property in their respective districts for one year, by a vote of three-fourths of the qualified voters of the district for the purpose of erecting school houses.

SEC. 2. All laws and parts of laws coming in conflict with the provisions of this act are hereby repealed, so far as the county of Dearborn is concerned.

SEC. 3. This act shall be in force from and after its passage.

CHAPTER CCLXXXII.

An Act authorizing the sale of certain real estate therein named.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That Benjamin Rogers, guardian of Joseph A. Pownall and Elizabeth Pownall, minor heirs of Joseph Pownall, deceased, late of Bartholomew county, in said State, be and he is hereby fully authorized and empowered to sell the following real estate belonging to said minor heirs, to-wit: In-lots numbers three hundred and twenty-three, three hundred and twenty-four, two hundred and fifty-four, and two hundred and fifty-five, situate in the town of Bloomington, in the county of Monroe; and also a certain in-lot owned by said minor heirs, and which is recorded upon the town plat of the town of Columbus, and being the only whole lot owned by them in said town; and also a part of one other in-lot, to wit, nineteen feet in front, and upon the east side of in-lot number fifty, and running back one hundred and fifty feet, which is also situated in said town of Columbus, in the county of Bartholomew, in said State.

SEC. 2. That the said Benjamin Rogers, guardian as aforesaid, previous to taking any action under this law, shall execute a bond with freehold security, to be approved and accepted by the clerk of the probate court of said county of Monroe, in the penal sum of fifteen hundred dollars, which said bond shall be made payable to the State of Indiana, and conditioned as other bonds of guardians are, for the faithful discharge of the duties required of him by law, and shall also take an oath as such guardian, which shall be endorsed upon the back of said bond.

SEC. 3. That the said Benjamin Rogers, guardian as aforesaid, shall also file with the clerk of the probate court of said county of Monroe, a statement in writing, fully describing the lots in the first section of this act named, and also the one not particularly described; which statement shall express the belief of said Benjamin Rogers, guardian as aforesaid, that it is to the interest of said minors that said real estate should be sold, verified by his affidavit; whereupon, the said Benjamin Rogers, guardian as aforesaid, shall proceed to sell said real estate to the highest and best bidder therefor, giving four weeks previous notice of said sale in some public and weekly newspaper printed and published in said county of Monroe, and also by setting up written or printed notices of said sale, and the terms thereof, at three of the most public places in the townships and counties in which such premises are situate; and the said Benjamin Rogers, guardian as aforesaid, shall be at liberty to fix the terms of said sale in all particulars, and without having the same appraised, except that he shall not make or cause to be made unto the pur-

chaser or purchasers, a deed to any of said property, until final payment is made therefor, nor shall he take any other than freehold security for the payment of any part or the whole of said purchase money.

SEC. 4. That the said Benjamin Rogers, guardian as aforesaid, shall make report of his proceedings in the premises, to the clerk of the probate court of said county of Monroe, who shall enter the same on the order book of said court in vacation; and the said Benjamin Rogers, guardian as aforesaid, shall be chargeable with said amount of said sales, in the same manner as if an application had been regularly made under the existing laws of this State for the sale of said real estate; and he, the said Benjamin Rogers, guardian, and the probate court of said county of Monroe, shall be governed in the disposition of the fund arising from the sale of said real estate, for the use and benefit of said minors, by the laws in force in this State regulating the duties of guardians and wards, except so far as the same may conflict with the provisions of this act.

SEC. 5. This act to be in force from and after its passage.

CHAPTER CCLXXXIII.

An Act to amend an act entitled "An act to incorporate the town of Jeffersonville," approved January 28th, 1839, and the amendments thereto.

[APPROVED JANUARY 14, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That in addition to the powers granted to the mayor and council of said town, by the forty-sixth section of said act of incorporation, they are hereby empowered and authorized to regulate and license hacks, omnibuses, and carriages, for the transportation of passengers and baggage to and from the public landing, or other point within the present limits of said town; to and from any point in the enlargement thereof made by [the] Jeffersonville association, including the Mineral Springs, and to and from the Falls of the Ohio river; and for that purpose the jurisdiction of said town of Jeffersonville is so far extended; and to regulate the prices for the same, and to affix suitable penalties against the owners and drivers thereof, for running without license, by ordinance, under the directions, restrictions, and forms authorized by the said act of incorporation.

SEC. 2. This act shall be in force from and after its passage.

CHAPTER CCLXXXIV.

An Act empowering the board of commissioners of Kosciusko county to hold certain real estate.

[APPROVED JANUARY 4, 1847.]

WHEREAS, The board of commissioners of Kosciusko county obtained a judgment against William N. Hood, deceased, in his life time, for the sum of eight hundred dollars, and interest and costs, and, being unable to make the amount of said judgment by execution, for the want of bidders, afterwards purchased of the administrators of said Hood, the undivided half of certain real estate, situate in said county of Kosciusko, and accepted the same in satisfaction of a part of said judgment, (said administrators being authorized to sell said lands, by order of the probate court of Miami county;) and said administrators, by order of said court, executed and delivered to said commissioners, a deed conveying and assuring to them all the right and title, which the said William N. Hood had to the same at the time of his death: AND WHEREAS, Doubts have arisen whether said commissioners, by the laws now in force, are authorized to hold said real estate: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the board of commissioners of the county of Kosciusko, be and they are hereby invested with and empowered to hold the several tracts of land purporting to be conveyed to them by Asa Johnson and Matthew Fennimore, by order of the probate court of Miami county, by deed of conveyance, bearing date November the fifteenth, eighteen hundred and forty-five, and recorded amongst the deed records of said county, on the thirty-first day of December, eighteen hundred and forty-five, in book number five, page four hundred and eighty; and they are hereby invested fully and completely with the legal title to said lands, in as full and ample a manner as the said William N. Hood, deceased, held the same at the time of his death; with power to sell and convey the same, in the manner prescribed by law in other cases.

SEC. 2. *Be it further enacted,* That the said board of commissioners be and they are hereby empowered to purchase and hold of the said administrators of William N. Hood, deceased, property, either real or personal, in satisfaction of any balance of said judgment, if said commissioner shall be of opinion that such purchase shall be necessary to obtain satisfaction of said judgment.

CHAPTER CCLXXXV.

An Act for the location of a State road in the counties of Hendricks, Putnam, and Montgomery.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That George H. Walker, of the county of Hendricks, John Case, of the county of Putnam, and Bladen Ashby, of the county of Montgomery, be and they are hereby appointed commissioners to view, mark, and locate a State road, commencing at the town of North Salem, in the county of Hendricks, thence along the county road to John Zimmerman's, thence in a southwest direction until it intersects the corner of sections one, two, eleven, and twelve, township sixteen, in Putnam county, thence due west along the section line, until it intersects the county road leading from Adams's Mill to Parkersburgh, in Montgomery county, thence to Parkersburgh.

SEC. 2. The said commissioners shall meet on the first Monday in May next, in the town of North Salem, or subsequent to that time if they wish, and after taking an oath faithfully to discharge their duties as commissioners, shall proceed to view, mark, and locate said road, and shall be governed in all things by the laws now in force laying out roads and highways.

SEC. 3. This act shall be in force from and after its passage.

CHAPTER CCLXXXVI.

An Act fixing an annual compensation to the auditor of Delaware county.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the board of county commissioners of Delaware county shall annually allow the auditor of said county the sum of five hundred dollars, which shall be in full for his services as such county auditor.

SEC. 2. All laws and parts of laws coming in conflict with this act be and the same are hereby repealed, so far as the county of Delaware is concerned.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CCLXXXVII.

An Act to authorize the auditor and school commissioner of Jay county to sell a school section therein named.

[The Governor having retained this act beyond the constitutional period for returning it, it become a law without his approval.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the county auditor and school commissioner of Jay county are hereby authorized to sell section number sixteen, in congressional township number twenty-two north, of range number fifteen east, in the county aforesaid, on a credit for the whole amount, instead of requiring one-fourth in hand, as is now provided in section one hundred and seventy-eight, chapter thirteen, of the Revised Statutes of eighteen hundred forty-three.

SEC. 2. Said auditor and commissioner shall in every and all other respects be governed by the law now in force on that subject.

SEC. 3. All laws and parts of laws coming within the purview of this act are hereby repealed.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER CCLXXXVIII.

An Act to legalize the transfer of certain canal land certificates.

[APPROVED JANUARY 21, 1847.]

WHEREAS, Israel T. Canby, about the year 1833, transferred, by indorsement and delivery, to T. A. Howard, the United States Attorney for the District of Indiana, thirteen canal land certificates, for the purpose of securing in part a large indebtedness due the United States, from said Canby, as late receiver of public moneys at Crawfordsville: AND WHEREAS, Said transfer of said certificates is not in strict conformity with the law now in force: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the aforesaid transfer of said certificates be and the same is declared valid to all intents and purposes, and that the holder thereof has the same rights as he would have had, had said certificates been duly transferred by said Canby, according to the laws governing such cases.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCLXXXIX.

An Act to declare a certain act in force.

[APPROVED JANUARY 28, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the act entitled "An act to incorporate the Fort Wayne and Lima Turnpike Company," printed on pages 141, 142, 143, 144, 145, and 146 of the Local Laws of 1846, and which appears not to have been signed by the Speaker of the House or President of the Senate, nor to have been approved by the Governor, be, and the same is hereby declared to take effect and be in force from and after the passage of this act.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCXC.

An Act to authorize the trustees of township nine, in range two west, in Franklin county, to sell certain real estate.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be lawful for the auditor of Franklin county, upon the order of the school trustees in township nine, in range two west, in said county, to advertise and sell the northwest quarter of the southeast quarter of section eleven, township eleven, range twelve east; also, one acre and twenty-six poles in section sixteen, township nine, range two west, which was reserved at the time the remainder of said section was sold; also, a part of the north end of fractional section thirty-six, or lots three, four, five, and six, in township ten, range three west, as laid off in the general survey of lands, containing one hundred and sixty-nine acres, and reserved by act of Congress for school purposes, upon a credit of five years, the interest being paid annually in advance, at the rate of seven per cent. interest per annum.

SEC. 2. This act to take effect from and after its passage and publication in the Franklin Democrat, and it is hereby made the duty of the Secretary of State to forward a copy of this act to said auditor.

CHAPTER CCXCI.

An Act to authorize Nelson Conner, of the county of Grant, and State of Indiana, to maintain and keep up a mill dam across the Mississinnewa river.

[APPROVED JANUARY 20, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Nelson Conner, of the county of Grant, and State of Indiana, be, and he is hereby authorized to maintain and keep up a mill dam at his lands in said county, across the Mississinnewa river, about one mile above the town of Marion: *Provided*, said dam will admit the free passage of rafts, flat boats, and other water crafts, at a time said river is made navigable by means of high water.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCXCII.

An Act to establish public highways in the county of Boone.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That in all cases where viewers have been appointed to view, mark, or locate any State road or roads, in the county of Boone, and have failed to have such road or roads surveyed, and the course, distance, direction and width, respectively described and located, it shall be lawful for the board of county commissioners of said county of Boone, to cause to be surveyed any and all such public highways, so that the direction and distance, with the commencement and termination of each and all such public highways, shall be specifically described, and the same shall be recorded, and after such survey shall have been so made and recorded, the same shall be a public highway, and shall be kept in repair in the same manner as if the same had been correctly described and recorded, when it was originally established.

SEC. 2. The person or persons making surveys under this act, shall be governed by the original petition and order in relation to such roads respectively, having regard to any changes made in said roads, since the original location.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CCXCIII.

An Act to authorize the Auditor of Henry county to establish a Ferry.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the auditor of the county of Henry is hereby authorized and empowered, upon application being made to such auditor, to establish a public ferry at the crossing of Blue river on the national road in said county.

SEC. 2. In establishing such ferry, said auditor shall in all respects be governed by chapter seventeen of the Revised Statutes of 1843: *Provided*, That it shall not be necessary to give more than ten days notice of such application.

SEC. 3. It shall not be lawful for the person or persons who may procure a license for the establishment of a ferry, under the provisions of this act, to erect and keep up the same, so as in any manner to interfere with the erection of a bridge across said river on said road, whenever the citizens of said county may desire to erect one.

SEC. 4. This act to be in force from and after its passage.

CHAPTER CCXCIV.

An Act explanatory of certain acts therein named.

[APPROVED JANUARY 27, 1847.]

WHEREAS, Doubts have been suggested whether the Hagerstown Canal Company has been fully organized under the act incorporating the same, approved February 15, 1841, and the act amendatory and supplemental thereto, approved February 11, 1843, and said company having expended a large sum of money upon said Hagerstown Canal, and expect to have the same completed within the next year. Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the said Hagerstown Canal Company shall be deemed and taken, and the same is hereby declared, to be fully organized as an existing corporation, in as ample a manner as if every requisition of said act of incorporation had been fully complied with; and said company is hereby authorized to proceed with the collection of subscriptions to its stock, and to the completion of said canal, and the

hydraulic works that may be useful or profitable to connect therewith, or to lease to others, the right to construct and maintain any such hydraulic power or powers as may be created at any dam, feeder, or lock of said canal.

SEC. 2. Said company shall have the power to take and appropriate to said canal all streams and waters near to said canal, for the purpose of navigating of said canal, and propelling said hydraulic works that may be connected therewith; making compensation to any person injured thereby, according to the provisions of said act of incorporation.

SEC. 3. *And be it further enacted*, That if, in the estimation of said canal company, it should at any time be deemed expedient for the purpose of securing the completion of that portion of the White Water Canal assigned to said company, within a reasonable time, it shall be lawful for said company to surrender the same, and the revenues that may be derived from the navigation, and all water power desirable to be created on said canal, to any other company, firm, or person in this State, who are hereby authorized to receive, hold, manage and enjoy the same, on such terms as may be mutually agreed upon: *Provided*, They be not incompatible with the rights of the State as reserved in the charter of said canal company.

SEC. 4. This act to be in force from and after its passage.

CHAPTER CCXCV.

An Act to change a certain State road therein named.

[APPROVED JANUARY 28, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That William Duncan of the county of Lawrence, Levi C. Sugart and John Teutch of the county of Monroe, be, and are hereby appointed commissioners to view, mark, and relocate certain proposed changes in the State road leading from Bedford, in Lawrence county, to Bloomington, in Monroe county.

SEC. 2. Said commissioners so appointed, or a majority of them, first having taken an oath or affirmation faithfully and impartially to discharge the duties assigned [them,] shall meet at Bedford on or before the first Monday in April next, and proceed to view, mark, and relocate the said State road between Bedford and Bloomington, making Harrodsburg a point, in such manner as will be of the greatest public utility, and shall make report of their proceedings to the board doing county business in the counties of Lawrence and Monroe, at their first session thereafter, according to the law now in force

on such subjects, and the board shall thereupon cause the same to be spread on the records, in the record of roads in their respective counties.

SEC. 3. That the boards doing county business in Lawrence and Monroe counties shall, as soon as it shall be made appear to them that the new road is opened the proper width, and is in good and passable condition, cause the old road to be vacated.

SEC. 4. That the said commissioners be allowed out of the county treasury a reasonable compensation for their services, in each of the said counties, to be paid on the order of the board doing county business.

SEC. 5. This act to take effect and be in force from and after its passage.

CHAPTER CCXCVI.

An Act to incorporate a Public Seminary in the town of Aurora, in the county of Dearborn.

[APPROVED JANUARY 23, 1847.]

WHEREAS, By an act of the General Assembly of the State of Indiana, entitled "An act to incorporate a Public Seminary at Aurora, in the county of Dearborn," approved January 9, 1823, it was enacted, amongst other things, that Jesse L. Holman, James Walker, Robert McKittrick, James W. Weaver, Richard Norris, Edward Fairchild, Timothy Brown, Daniel Bartholomew, John C. Lewis, David Fisher, Elias Conwell, and Martin Cozine, and their successors be, and they were thereby constituted a body politic and corporate, by the name of "The Trustees of the Aurora Seminary:"

AND WHEREAS, certain lots and parcels of land, situate in the town of Aurora, in said county of Dearborn, were by the Aurora Association for Internal Improvements donated, and by the trustees of the said association conveyed to the trustees of the Aurora Seminary aforesaid:

AND WHEREAS, most of said trustees have since died, or removed from said State, whereby the object of said act of incorporation, and the donation aforesaid cannot, without the aid of legislative enactments be carried into effect: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That George W. Lane, James W. Weaver, Thompson Dean, George Sutton, Lewis C. Hurlbert, Thomas Gaff, William T.

Harris, and William S. Holman, and their successors be, and they are hereby constituted a body politic and corporate, as the successors of the trustees aforesaid, by the name of "The Trustees of the Aurora Seminary," and by that name shall have perpetual succession, and they and their successors enjoy and exercise all the powers of a body politic and corporate; they may receive grants, and may make and use a common seal, and alter the same at pleasure; they may sue and be sued, plead and be impleaded, in any court of law or equity by their corporate name aforesaid, and may from time to time make any by-laws, orders, and regulations they may deem necessary to carry into effect the object of the institution aforesaid, not inconsistent with the constitution and laws of this State or the United States.

SEC. 2. *And be it further enacted,* That all the right and title of, in, and to all and every piece, parcel, or lot of land, situate in the town of Aurora aforesaid, or elsewhere, heretofore at any time donated or conveyed to the Aurora Seminary, or to the Trustees of the Aurora Seminary, and of all real estate of which the aforesaid Trustees of the Aurora Seminary, named in the aforesaid act to which this act is supplemental, or their successors were at any time seized or possessed in anywise whatsoever be, and the same is hereby absolutely transferred to, and vested in the Trustees of the Aurora Seminary in this act named, and their successors, as fully and absolutely as the said trustees in said original act named, or their successors, were thereof at any time seized or possessed.

SEC. 3. The said trustees, or their successors, shall meet in the said town of Aurora on the second Saturday in April next, and on the second Saturday in April annually thereafter, and shall elect a president, clerk, and treasurer from their own body, who shall severally hold their respective offices for one year, and until their successors are chosen and qualified. They may meet on their own adjournments, and when necessary the president of said trustees may call a meeting at any time by giving ten days' notice thereof in some public newspaper of said county; and the proceedings of such meeting of said trustees shall be entered in a book provided for that purpose by the clerk, and signed by the president.

SEC. 4. It shall be the duty of said trustees and their successors, before entering upon the duties of their said office, to take an oath or affirmation faithfully and impartially to discharge the duties imposed upon them by this act, and a majority shall be a quorum for the transaction of business.

SEC. 5. It shall be the duty of said trustees, whenever any one of their number shall die, resign, or remove from said county of Dearborn, to elect some suitable person, a citizen of said county, to fill such vacancy: *Provided,* That six of such trustees shall be residents of the town of Aurora aforesaid.

SEC. 6. The treasurer of said trustees shall, before entering upon the duties of his office, execute a bond in such penalty, and with

such sureties as may be approved by said trustees, conditioned for the faithful performance of his duties as such treasurer, and for the faithful keeping and paying over to his successor in office all moneys that may come into his hands as such treasurer, or the disbursement thereof under the order of such trustees, which bond shall be made payable to said trustees and their successors, by their said corporate name, and for any breach of the condition of said bond such treasurer and his sureties shall be liable thereon in an action of debt, and to the amount recovered in any suit thereon ten per centum damages shall be included in the judgment on the amount so recovered, with interest.

SEC. 7. The said trustees shall have full power and authority to sell, and through their president and under their corporate seal, to convey any and all real estate, with the title to which they and their successors are by this act invested, or of which they may at any time be seized or possessed as such trustees, whenever the sale thereof may by them be considered to the interest of said institution, which sale and conveyance of such real estate shall vest in the purchaser or purchasers thereof all the estate, right, and title which the Trustees of the Aurora Seminary in anywise had or held in and to the real estate so sold and conveyed; or the said trustees may lease any such real estate for any term of time not exceeding forty years, on such terms and under such regulations as they may think proper: *Provided*, That no sale and conveyance of any such real estate shall be made without the consent of six of such trustees.

SEC. 8. Whenever any sale of the real estate of such seminary shall be made under the authority aforesaid, and the means of said institution are not sufficient to carry the same into immediate effect, it shall be the duty of said trustees to loan out, at an interest of six per centum per annum, the proceeds of such sale, and reloan the same, and interest thereon accrued, on such terms and regulations as they may think expedient, until the amount realized may be sufficient for the purposes aforesaid, or they may apply the interest arising from such loan or loans and the rents of any such real estate as may be leased, to the purposes of education in said town in such manner as they may think most to the interest of the citizens of said town, and the cause of education therein.

SEC. 9. That whenever, in the opinion of said trustees or their successors, it shall be expedient to carry into effect the immediate object of this act, the establishing of a seminary in said town of Aurora, they shall have full power to erect buildings for that purpose, appoint tutors, and do all acts necessary for the promotion of education therein, and may collect any fines for any breach of their by-laws before any court having competent jurisdiction, and at all times may make reasonable allowances out of the funds under their control for expenses incurred and services rendered under the provisions of this act.

SEC. 10. This act shall be taken and construed as a public act, and shall be in force from and after its passage, and shall be subject to be repealed at any time by a vote of two-thirds of each House of the General Assembly.

CHAPTER CCXCVII.

An Act to confirm a certain deed to the Methodist Episcopal Church of Greenfield, Hancock county.

[APPROVED JANUARY 23, 1847.]

WHEREAS, It has been represented to this General Assembly that James B. Ray and wife, on the 13th day of September, 1841, executed a certain deed of conveyance to Hugh Worster, William Chrisman, Nathaniel Henry, T. W. Sargeant, John Rariden, John Templin, and John Hager, then acting as Trustees of the Methodist Episcopal Church of Greenfield, Hancock county, Indiana, and their successors in office in perpetuity forever, for certain real estate: AND WHEREAS, doubts exist as to the validity of said deed, from the fact that said trustees had not been elected and qualified as such according to law: AND WHEREAS, It is desirable that full effect be given to said deed according to the intention of the grantees therein named: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the said deed from James B. Ray and wife to the persons named as such trustees, which deed bears date September 13th, 1841, and is recorded in book "G," page 473 of the records of Hancock county aforesaid be, and the same is hereby declared valid and effectual, and the title of the lands therein described as fully vested in the trustees of said church and their successors in office forever, as though the said trustees above named had been duly elected and qualified according to law at the time said deed was so executed.

SEC. 2. This act shall be in force from and after its passage.

CHAPTER CCXCVIII.

An Act to vacate a part of the town of Far West, in Johnson county.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all that part of the town of Far West, in the county of Johnson, which lies west of Main street be, and the same is hereby vacated. This act shall be in force from and after its passage.

CHAPTER CCXCIX.

An Act directing the safe keeping of certain persons on a charge of felony.

[APPROVED JANUARY 2, 1847.]

WHEREAS, It is represented to the General Assembly of the State of Indiana, that on the 28th day of December, A. D., 1846, at the county of Hancock, one Isaac Stewart was robbed of a large sum of money by Jackson Wise and McLean Bodkin, and that said persons have been arrested on said charge, and on examination before John Martin, a justice of the peace within and for said county, were required to enter into recognizance for their appearance at the next term of the Hancock circuit court to answer said charge and abide the judgment of the court; and the said Wise and Bodkin having failed to give such recognizance, and the jail of said county being insufficient for their safe keeping; for remedy whereof,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the keeper of the common jail of Marion county be required to receive and safely keep, in the common jail of said county, said Wise and Bodkin, on said charge, until otherwise directed by the judges of the Hancock circuit court, and the mittimus issued by said John Martin shall be deemed valid, and shall be sufficient authority to said jailer to so detain and keep said persons. This act to take effect and be in force from and after its passage.

CHAPTER CCC.

An Act to amend an act, entitled "An act to authorize the sale of school lands in township two south, of range one west, in the county of Crawford," approved December 31, 1845.

[APPROVED DECEMBER 30, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the provisions of an act, entitled "An act to authorize the sale of school land in township two south, of range one west, in the county of Crawford," approved December 31, 1845, be and are hereby extended to Congressional township, numbered two south, of range two west, and township three south, of range one west, in the county of Crawford.

SEC. 2. This act to take effect from and after its passage and publication in the Indiana State Sentinel.

CHAPTER CCCI.

An Act for the relief of Victor A. Pepin, of Floyd county.

[APPROVED DECEMBER 30, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the trustees of Congressional township number two in range six east, in the county of Floyd, be, and they are hereby fully authorized and empowered to sell and convey to Victor A. Pepin all the interest said township now holds in and to lot number nine on Upper Spring street, in the City of New Albany, and said conveyance, when made, shall pass to said Pepin, and his heirs, all the right and title of said township in said lot.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCCII.

An Act to incorporate the Grand and Subordinate Divisions of the Order of the Sons of Temperance of the State of Indiana.

[APPROVED JANUARY 21, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That C. F. Clarkson, William Hanaman, John Pritchett, J. B. Davis, J. R. Goodwin, Edward H. Barry, W. B. Smith, David P. Holloway, James A. Nelson, H. C. Sanxay, L. J. Adams, Anslem Butler, Samuel W. Harlan, A. L. Sullenberger, and J. D. Defrees, and their associates, members of the Grand Division of the Order of the Sons of Temperance of the State of Indiana, and their regular successors, be, and they are hereby created a body corporate and politic, with perpetual succession, by the name and style of the Grand Division of the Order of the Sons of Temperance of the State of Indiana, for the purpose more effectually of suppressing the vice of intemperance, and affording mutual aid in the time of adversity; and, by that name may contract and be contracted with, sue and be sued, plead and be impleaded, in all courts of competent jurisdiction, and may have a common seal and the same to alter, break, and renew at pleasure.

SEC. 2. That said Grand Division shall be capable of acquiring and holding property, real, personal, or mixed, by purchase, grant, gift, or devise, and the same to sell, convey, or improve, rent or lease at pleasure: *Provided*, The property so acquired shall not at any time exceed in value one hundred thousand dollars.

SEC. 3. That said Grand Division shall have power to appoint such officers as they may deem necessary; to prescribe their general duties, and to require such security of them as they may deem proper to insure the faithful performance of their duties, and may remove them at pleasure; to make, ordain, and put in execution such by-laws, rules and regulations as shall be necessary for the proper and efficient management of its affairs, not incompatible with the constitution and laws of the State.

SEC. 4. That all subordinate divisions that have been, or may hereafter be instituted in the State of Indiana by said Grand Division, shall have full power and lawful authority to acquire, hold, use, occupy, and enjoy by purchase, gift, grant, or devise; and the same to sell, convey, or improve, lease or rent, all the real, personal or mixed property of which they may become possessed as above provided, in value not exceeding twenty thousand dollars; and may have a common seal.

SEC. 5. That all property that may accrue to said subordinate divisions under the provisions of this bill, shall be vested in five trustees, who shall be elected by ballot by a majority of the members of each subordinate division holding property as aforesaid, present at

their first meeting in October of each year; and shall be held by them and their successors in trust for the use and exclusive benefit of said subordinate divisions.

SEC. 6. That upon the dissolution, from any cause, of any subordinate division, the property held by it at the time of said dissolution shall be disposed of, sold and conveyed in such manner as a majority of the members present at any meeting when said dissolution shall have been determined upon, may direct.

SEC. 7. This act shall take effect and be in force from and after its passage.

CHAPTER CCCIII.

An Act to amend an act entitled "An act to incorporate the West Delphi Bridge Company."

[APPROVED JANUARY 23, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the act to which this is an amendment shall be, and the same is so amended, that a majority of the stockholders of said company shall have the power to erect the said bridge at any point selected by them between Wabash Dam. No. 4, and the south line of the addition to West Delphi.

SEC. 2. *Be it further enacted*, That instead of the persons named in the first section of said act, that Daniel V. Vandervinter, Abner Robinson, William Potter, William H. Buford, Timothy Gridley, James Spears, Cullen W. Colton, and Newton H. Gist and their successors, shall constitute said company.

SEC. 3. *Be it further enacted*, That the third section of said act is so amended that said company shall have four years from the passage of this act to open books of subscription to the stock of said company.

SEC. 4. This act to be in force from and after its passage, and the act to which this is an amendment is hereby revived.

CHAPTER CCCIV.

An Act to authorize George W. Lane, administrator of the estate of Arthur St. Clair, to purchase property at his own sale.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That George W. Lane be, and he is hereby authorized to purchase any of the real estate belonging to the estate of Arthur St. Clair, deceased, late of the county of Dearborn, of which the said Lane is the administrator, on the same terms and conditions of any other [purchaser or] individual; and have the same right to purchase and hold said real estate as if the law did not forbid administrators purchasing property at their own sales.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCCV.

An Act fixing a certain annual compensation to the Auditor of Madison county.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the board of commissioners of Madison county shall be restricted in their allowance to the county auditor for all services that are now or may hereafter be required of him by law, to the sum of three hundred dollars per year, and no more; but nothing in this act contained shall be so construed as to prohibit the said board of commissioners to allow said auditor a less sum annually than the aforesaid sum, if in their opinion, his services are not worth that amount: *Provided,* That nothing contained in this act shall be so construed as to affect the perquisites now received by him from individuals.

SEC. 2. All laws and parts of laws coming within the purview of this act are hereby repealed.

SEC. 3. This act to be in force from and after its passage, and it shall be the duty of the Secretary of State to transmit a copy of this act by mail to the auditor, who shall file the same in his office.

CHAPTER CCCVI.

An Act to authorize a trustee to order elections of trustees in the town of Washington.

[APPROVED JANUARY 26, 1847.]

WHEREAS, The citizens of the town of Washington have heretofore incorporated themselves under the provisions of the twenty-fifth chapter of the Revised Acts of 1843. **AND WHEREAS,** Since that incorporation, all the trustees but one, have died or gone out of office, and the vacancies have not been filled, as provided in the Revised Acts aforesaid. Therefore, for the purpose of renewing said trustees, and removing all doubts as to the legality of such renewal,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That Thomas Brown, the trustee now remaining in office be, and he is hereby authorized to order elections in the several wards of said town, which said order shall be governed in all respects by the fifth section of the twenty-fifth chapter of the Revised Acts of 1843, and also by any other section of said chapter applicable thereto; and all such elections held as aforesaid, shall be valid as if they had been regularly held, when the office of such trustees first became vacant; and said corporation shall be considered to have been in full existence.

SEC. 2. The Secretary of State will furnish a copy of this act to the trustee aforesaid.

CHAPTER CCCVII.

An Act to locate a certain State road therein named.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That John D. Stephenson be and he is hereby appointed a commissioner to view, mark, and locate a State road as follows: Commencing at Strawtown, in Hamilton county, running thence as near a north direction as suitable ground can be had, to Wild Cat creek, and thence the nearest and best route to the town of Peru, in Miami county.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCCVIII.

An Act in relation to retailing intoxicating liquors in Henry and Madison counties.

[APPROVED JANUARY 28, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter it shall not be lawful for the board of commissioners in the counties of Henry and Madison, to grant any license in said counties, to any person or persons, to retail intoxicating liquors, if a majority of the qualified voters in any of the townships in said counties shall decide against granting such license in such township or townships.

SEC. 2. That for the purpose of ascertaining the will of the voters aforesaid, relative to granting license in the several townships in said counties, it shall be lawful for the said voters, in their respective townships in said counties, at their respective township elections in April, 1847, to vote for or against granting such license, in their respective townships in said counties.

SEC. 3. That for the purpose of taking the vote upon the question aforesaid, each and every voter at said elections, may endorse by printing or writing on the face of his ballot or ticket, given at such election, if in favor of license being granted in their respective townships, the word "license;" and if said voter is opposed to license being granted as aforesaid, he may endorse upon his ballot the words "no license."

SEC. 4. And the judges and inspectors of elections in said counties, shall count the votes so taken in their respective townships, and certify the same to the auditors of said counties, who shall lay the same before the boards doing county business in said counties, at their next session after such election; and if by the returns so transmitted and certified to said auditors, it shall appear that a majority of all the votes at such elections are against the granting of license in such township or townships in said counties, the said commissioners are and shall be prohibited from granting any license, in such township or townships so voting against such license, to retail intoxicating liquors; but if a majority of the votes given as aforesaid are not against granting such license in such township or townships, it shall and may be lawful for the commissioners in said counties to grant license to any and all persons applying therefor, under the same rules, restrictions, and regulations, and according to the laws now in force on that subject.

SEC. 5. This act to be in force from and after its passage.

CHAPTER CCCIX.

An Act to amend an act entitled "An act for the relief of Charles Purcell, late collector of Posey county," approved January 8th, 1842.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the act entitled "An act for the relief of Charles Purcell, late collector of Posey county," approved January 8th, 1842, be and the same is hereby so amended as to authorize said Purcell to return as delinquent any and all lands and lots in said county, upon which taxes were assessed and not paid for the year 1840; which return shall have the same force and effect as if made in the year 1840 aforesaid.

SEC. 2. It shall be lawful and is hereby made the duty of the auditor and treasurer of said county of Posey, to advertise and sell the said lands and lots, at the same time and in the same manner as lands returned for non-payment of taxes for the year 1840; which sales shall have the same force and effect as if said return had been made in 1840, and the avails thereof shall be paid to the said Purcell, his heirs, or legal representatives.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CCCX.

An Act making additional allowance to the Adjutant General of the Indiana Militia, Secretary of State, and Quartermaster General.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That D. Reynolds, Adjutant General of the Indiana Militia, be and he is hereby allowed five hundred dollars, in addition to his present salary, for extra services rendered by him since the twenty-first day of May, 1846, up to this day, in organizing the three volunteer regiments of the Indiana Brigade for the Mexican war, and organizing the Indiana Militia; and that the Secretary of State be allowed the sum of one hundred dollars, for extra services done by him in filling up, signing, sealing, and recording military commissions, since the twenty-first day of May, 1846, up to this time; and that the Quartermaster General be allowed the sum of fifty dollars, for

his extra services since the twenty-first day of May, 1846, in addition to his present salary, allowed by law.

SEC. 2. And it shall be the duty of the Treasurer of State to pay over to the persons named in this act, the amounts allowed them, out of any moneys not otherwise appropriated, on the presentation of their claims properly audited by the Auditor of State.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CCCXI.

An Act to provide for the applying of the three per cent. fund due to the county of Ripley to the improvement of certain roads therein named.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That five hundred dollars of the three per cent. fund due to the county of Ripley, be and the same is hereby appropriated to the improvement of the following roads, or so much thereof as lies in said county, viz: One hundred and fifty dollars on the Michigan road; one hundred dollars on the State road leading from Napoleon to Versailles; one hundred dollars on the State road leading from Versailles to Vevay; and one hundred and fifty dollars on the State road leading from Napoleon to Aurora, in Dearborn county; and the county road now open between the Redlon school house, in the county of Ripley, and the town of Milan, in said county, is hereby declared a part of the last named State road.

SEC. 2. It shall be the duty of the board doing county business in said county, at their next regular meeting after the filing of a certified copy of this act in the clerk's office of said county, to appoint suitable persons to act as commissioners to draw from the county treasurer, and expend the different sums by this act appropriated to their several roads, and to make such regulation in regard to the same as to them may seem best.

SEC. 3. This act to be in full force and effect from and after the filing a certified copy of the same in the clerk's office of the county of Ripley.

CHAPTER CCCXII.

An Act to repeal an act entitled "An act to incorporate the Morgan county seminary," approved February 7, 1838.

[APPROVED JANUARY 25, 1847.]

WHEREAS, The Morgan county seminary did heretofore organize under an act entitled "An act to incorporate the Morgan county seminary," approved February 7th, 1838: AND WHEREAS, The trustees of said Morgan county seminary have transacted some business: AND WHEREAS, the trustees of said seminary are now desirous to surrender the franchises acquired under said act:

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the act entitled "An act to incorporate the Morgan county seminary," approved February 7th, 1838, be and the same is hereby repealed: *Provided, however,* That all suits, pleas, and bills, now existing may be prosecuted, and rights enforced by and against the trustees of said county, in the same manner as if this act had not been passed.

SEC. 2. All acts heretofore done by said trustees are hereby ratified, legalized, and made valid; and this act shall be in force from and after its passage.

CHAPTER CCCXIII.

An Act declaring Big Blue River in Rush county a public highway.

[APPROVED, JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That so much of Big Blue River as lies in Rush county, be and the same is hereby declared a public highway, for the purpose of enabling the inhabitants to remove all unnecessary obstructions therefrom.

SEC. 2. William Hackey, Henry Henley, and Josiah Small are hereby appointed commissioners to lay off said stream into districts, extending one mile and a quarter from said river on each side of the same, and to assign to such districts certain boundaries; and said commissioners shall file a plat of the districts by them so laid off with the county auditor, whose duty it shall be to enter the same of record, in the same manner as road districts are recorded.

And on a petition of a majority of the freeholders of said district, said auditor shall appoint one suitable person as supervisor of each such district so laid off, who shall serve for the term of one year, from and after such appointment, whose duty it shall be to superintend all the labor appropriated to, and by this act directed to be laid out on said stream: *Provided, however,* That it shall be lawful for Ripley township to elect the supervisors of said stream at the April election, in the same manner that other township officers are elected; shall have the same power and be liable to the same penalties to which supervisors appointed under the provisions of this act are liable.

SEC. 3. That the freeholders liable to work on public roads and highways within said district, shall, from and after the taking effect of this act, be required to perform not less than two nor more than three days' labor, in each and every year, under the direction of the supervisors appointed or elected, by virtue of this act, in whose districts they may respectively reside upon said stream, for the purpose of clearing the drift out of said stream, as they may deem necessary.

SEC. 4. That it shall be the duty of every supervisor appointed or elected by and under this act, to call on all persons living within their respective districts, to perform the work required by this act, and if any person shall fail or refuse to perform such labor, he having received three days' previous notice thereof, from the supervisor, in writing or otherwise, shall be liable to forfeit and pay the sum of seventy-five cents for each day he may so neglect or refuse to labor, to be recovered before any justice of the peace having jurisdiction thereof, in the same manner and subject to the same regulations as are prescribed for the collection of fines for failing or refusing to work on roads and highways, and upon collection shall be appropriated by said supervisor to improving said stream, and no one shall be compelled to perform such labor unless he is a feeholder in such district.

SEC. 5. Any supervisor failing or refusing to perform any of the duties enjoined on him by virtue of this act, shall, for every such offence, forfeit and pay any sum not exceeding ten dollars, to be recovered by presentment or indictment in any court having competent jurisdiction thereof.

SEC. 6. This act shall take effect and be in force from and after its passage.

CHAPTER CCCXIV.

An Act to abolish the office of justice of the peace in Yorktown, Delaware county, Indiana.

[APPROVED JANUARY 23, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That an act creating the office of justice of the peace in Yorktown, Delaware county, Indiana, be and the same is hereby repealed.

SEC. 2. *Be it further enacted,* That the person last holding said office of justice of the peace in said town be and he is hereby required to transfer his docket, together with all writs and other papers belonging to said office, into the hands of the nearest justice of the peace in the township where said town is situated; and said justice into whose hands said docket is so deposited, is hereby authorized to issue writs of execution upon all judgments remaining unsatisfied on said transfer docket, and all other writs that may be legally required under his hand and seal, the same as if said judgments were transferred to his docket.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CCCXV.

An Act to amend an act entitled "An act to establish a free turnpike road in Jay county," approved January 13, 1846.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all taxes levied for road purposes within the following boundaries, commencing on the north line of township twenty-four north, of range fourteen east, at the half mile stake of section three of said township and range aforesaid; thence running west on said north line to the half mile stake of section one, township twenty-four north, of range thirteen east; thence south on the half section line to the south line of said last mentioned township; thence east on said south line to the half section line of section thirty-four, of township and range last mentioned; thence north on said half section line to the place of beginning, be and they are hereby appropriated to the making and repairing said turnpike road, and the words "two miles

on each side," mentioned in section fifth of the act to which this is an amendment, shall not apply to the township and range above referred to, but the above boundaries shall take the place thereof.

SEC. 2. That all the provisions of the act to which this is an amendment, and the amendments thereto, are hereby continued in full force to the township above referred to, except as above amended.

SEC. 3. This act to take effect from and after its passage.

CHAPTER CCCXVI.

An Act to amend an act to incorporate the Lafayette Bridge Company.

[APPROVED JANUARY 21, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the time limited in the act entitled "An act to incorporate the Lafayette Bridge Company," to commence building a bridge, be extended one year from the thirteenth day of January, 1847.

SEC. 2. That the shares shall be fifty dollars each, instead of one hundred; and when ten thousand dollars are subscribed, directors may be chosen, each stockholder being entitled to vote according to the following rule, viz: For every share not exceeding ten, one vote; for every two shares above ten and not exceeding twenty, one vote; for every four shares over twenty, one vote.

SEC. 3. The directors may call in subscriptions to the capital stock not exceeding twenty-five per cent. every three months.

SEC. 4. This act to be in force from and after its passage; and so much of the act to which this is an amendment as conflicts with the provisions herein contained, shall be and the same is hereby repealed.

CHAPTER CCCXVII.

An Act to amend an act entitled "An act to incorporate the Michigan Road Company," approved January 13, 1845, and an act entitled "An act to amend an act entitled an act incorporating the Michigan Road Company, approved January 13, 1845," approved January 19, 1846.

[APPROVED JANUARY 28, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the term of two years allowed in the twenty-fourth section of the above recited act, approved January 13, 1845, for commencing the construction of said road, be and the same is hereby extended for the term of two years from and after the passage of this act.

SEC. 2. That the fifth section of an act entitled "An act to amend an act entitled an act to incorporate the Michigan Road Company, approved January 13, 1845," approved January 19, 1846, be and the same is hereby repealed.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CCCXVIII.

An Act to locate a certain State road therein named.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That Carter S. Jackson is hereby appointed a commissioner to view, mark, and locate a State road commencing at Hugh Johnson's mill, in Hamilton county, thence north on the county road on the west side of Duck creek to the nearest and best ground to the forks of Wild Cat creek, thence the nearest and best ground to Peru, in Miami county.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCCXIX.

An Act to legalize the election of trustees for the corporation of the town of Greensboro', Henry county.

[APPROVED JANUARY 14, 1847.]

WHEREAS, Doubts have arisen as to the legality of an election which was held in the town of Greensboro', Henry county, on the second Monday in March, 1846, for the purpose of electing seven trustees for the corporation of said town: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the election of Matthew Lymons, Semple B. Stanley, Joseph S. English, James W. Crowley, Matthew Saunders, Cyrus C. Hinshaw, and Francis B. Macy as trustees of the corporation of said town of Greensboro', be and the same is hereby legalized and made valid.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCCXX.

An Act to legalize certain deeds.

[APPROVED JANUARY 27, 1847.]

WHEREAS, Doubts exist as to the validity of certain deeds and other instruments of writing, which are acknowledged before Archibald Hatcher, late mayor of the town of Lafayette, in Tippecanoe county: For the purpose therefore of quieting all apprehensions as to the legality of such deeds and other instruments,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all deeds, mortgages, and other instruments of writing, the execution of which have heretofore been acknowledged before Archibald Hatcher, late mayor of the town of Lafayette, in Tippecanoe county, be and the same are hereby declared legal and valid to all intents and purposes, to the same extent as though such deeds, mortgages, &c. had been duly acknowledged according to law.

SEC. 2. This act shall be in force from and after its passage.

CHAPTER CCCXXI.

An Act to vacate certain streets and alleys in Williamstown, in Decatur county.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the following streets and alleys and parts of streets and alleys hereinafter named and described, situate in Williamstown, and county aforesaid, be and the same are hereby vacated, that is to say: so much of Washington street as runs between lots number thirteen, fourteen, forty-seven, and forty-eight, on the west side of said town, and also the alleys running between lots number forty-seven, forty-eight, forty-six, and forty-five, and the alleys between lots number nine, ten, eleven, thirteen, fourteen, fifteen, and sixteen.

SEC. 2. *Provided, however*, That the vacation of the streets and alleys above referred to shall not in any way affect, impair, or destroy any vested right or rights whatever.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CCCXXII.

An Act to abolish the office of school commissioner in the county of Jefferson.

[APPROVED JANUARY 25, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the office of school commissioner in the county of Jefferson be and is hereby abolished; and the duties of said office shall hereafter be performed by the county treasurer, who shall receive the same compensation as is allowed the school commissioner, and he shall be governed by the same laws and subject to the same penalties.

SEC. 2. This act shall take effect and be in force from and after the first Monday in August next.

CHAPTER CCCXXIII.

An Act in relation to retailing intoxicating liquors in Wayne county.

[APPROVED JANUARY 14, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter it shall not be lawful for the board of county commissioners in said county of Wayne to grant any license in said county to any person or persons to retail intoxicating liquors, if a majority of the qualified voters of said county shall decide against granting such license.

SEC. 2. That for the purpose of ascertaining the will of the voters aforesaid relative to granting license in said county, it shall be lawful for the said voters, at their respective township elections in April, 1847, to vote by ballot for or against granting such license in said county.

SEC. 3. That for the purpose of taking the vote upon the question aforesaid, each and every voter at said election may endorse, by writing or printing, upon the face of his ballot or ticket given at such election, if in favor of license being granted in said county, the word "License," and if said voter is opposed to license being granted as aforesaid, he may endorse upon his ballot the words "No license."

SEC. 4. And the judges and inspectors of said election shall count the votes so taken in their respective townships, and certify the same to the auditor of said county, who shall lay the same before the board of county commissioners, at its next session after said election; and if by the returns so transmitted and certified to the auditor it shall appear that a majority of all the votes given in said county are against license being granted in said county, the said board are and shall be prohibited from granting any license in said county to retail intoxicating liquors; but if a majority of all the votes given at such election in said county are not against granting license in said county, it shall and may be lawful for said board to grant license to any and all persons who may desire the same, under the same rules and regulations and according to the laws now in force on that subject.

SEC. 5. This act to be in force from and after its passage.

CHAPTER CCCXXIV.

An Act to authorize the auditor and school commissioner of Jay county to sell the school section in township number twenty-four north, of range number fourteen east, in Jay county.

[APPROVED JANUARY 25, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the auditor and school commissioner of Jay county are hereby authorized to sell section sixteen, in Congressional township number twenty-four north, of range fourteen east, in Jay county, on a credit of twenty-five years for the whole amount, instead of requiring one-fourth in hand, as is now provided in section one hundred and seventy-eight, chapter thirteen, of the Revised Statutes of eighteen hundred and forty-three.

SEC. 2. The said auditor and commissioner shall in all other respects be governed by the laws now in force on that subject.

SEC. 3. All laws and parts of laws coming within the purview of this act, be and the same are hereby repealed.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER CCCXXV.

An Act to change the name of Wesley P. Hitchcock to that of Wesley P. David.

[APPROVED JANUARY 23, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the name of Wesley P. Hitchcock, of Rush county, be and is hereby changed to Wesley P. David, and by which name he shall be known and recognized, and shall enjoy all the rights and privileges, both in law and equity, to which in any way he would otherwise be entitled.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCCXXVI.

An Act extending the time of working out the road tax in the several counties therein named.

[APPROVED JANUARY 23, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the time for working out the road tax in the counties of Whitley, Noble, and Huntington, be and the same is hereby extended to the first of November in each year, instead of the first of October, as now provided by law.

SEC. 2. All acts and parts of acts contravening any of the provisions of this act be and the same are hereby repealed.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CCCXXVII.

An Act for the relief of purchasers of seminary lands in Gibson and Monroe counties.

[APPROVED JANUARY 23, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the time of final payment to purchasers of seminary lands in Gibson and Monroe counties, be and the same is hereby extended for the term of five years from and after the expiration of the time now allowed by law to said purchasers, and that the provisions of this act shall apply to all purchasers, whether at the original sale or private entry dating from the day of sale: *Provided,* The interest be paid as heretofore.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCCXXVIII.

An Act to change the mode of doing county business in the county of Decatur.

[APPROVED JANUARY 14, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be the duty of the qualified voters of Decatur county, at the general election to be held in said county, on the first Monday in August next, to elect three commissioners for said county, to serve for the term of three years from and after their election, and until their successors are elected and qualified.

SEC. 2. That the clerk of the Decatur circuit court shall, after the expiration of ten days from the day of said election, make out and deliver to said commissioners severally a certificate of their election, which shall be sufficient authority for said commissioners to discharge their duty as said commissioners, and said commissioners, before entering on the duties of their office, shall severally take the oath prescribed by the second section of the first article of the seventh chapter of the Revised Statutes of this State now in force.

SEC. 3. Said commissioners, when elected and qualified, shall be considered a body corporate and politic, by the name and style of "The Board of Commissioners of the county of Decatur," and as such, and in such name and style, may sue and be sued, plead and be impleaded, defend and be defended against, answer and be answered unto in any court either of law or equity, and do and transact all business on behalf of said county that may be assigned to them from time to time by law, and in all cases where said county may have been injured in its goods, chattels, lands, tenements, rights, credits, effects, or contracts, such commissioners may, in their corporate name and style, without setting forth their individual names, bring any suit or suits, action or actions, either in law or equity, which may be best calculated to obtain redress for the injury done, in the same manner that private individuals might or could do, and may in like manner, in their corporate name and style, be sued by any person or persons, having any manner of claim against said county.

SEC. 4. Said board of commissioners, when legally organized, shall constitute a board for doing county business for said county in the place and stead of the board of justices of said county, and have the same rights, powers, and jurisdiction now possessed by law by the board of justices of said county; and said board of commissioners in the discharge of their official duties shall be governed by the first article of the seventh chapter of the Revised Statute of the State of Indiana now in force, so far as the same shall be applicable, and said commissioners in the discharge of their official duties shall be governed by all the laws in force in regard to the duty and jurisdiction of the board of justices of said county, and said board of

commissioners shall possess all the rights and privileges and discharge all the duties now belonging to the board of justices of said county.

SEC. 5. The board of justices of said county shall continue to do and transact the business of said county until said board of commissioners when elected and qualified, and said board of commissioners when elected and qualified may receive as a compensation for their services the sum of two dollars per day whilst actually engaged in the discharge of the duties of said office out of the county treasury of said county.

SEC. 6. This act to take effect and be in force from and after its passage and publication in the Indiana Journal and State Sentinel.

CHAPTER CCCXXIX.

An Act in amendment of an act, entitled "An act to abolish the office of county auditor in the county of Warrick," approved January 13, 1844.

[APPROVED JANUARY 14, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the act to which this is an amendment shall not be so construed as to deprive the clerk of said Warrick county, who in said county does the business of auditor, from receiving one-half of one per centum on the amount of trust funds loaned in said county, and on which interest has been paid in any current year, and which is allowed to auditors of other counties; this allowance to be in addition to the allowance of two hundred dollars given him by the first section of the act.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCCXXX.

An Act authorizing the Governor of this State to appoint a probate judge *pro tempore* in the county of Monroe.

[APPROVED JANUARY 27, 1847.]

WHEREAS, It has been represented to this General Assembly that Aquilla Rogers, who was heretofore commissioned as the probate judge in and for the county of Monroe, in the State of Indiana, and whose term of service has not yet expired, has gone as an officer to the seat of war in Mexico: AND WHEREAS, a large amount of business in said court has accumulated on account of the absence and failure of said Rogers to hold the regular session of said court; and for remedy whereof,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Governor be, and he is hereby fully authorized to appoint some suitable person, a resident of said county, to act *pro tempore*, as the probate judge of said county, who shall have and receive the powers, and discharge all the duties, and exercise the same jurisdiction in all causes, matters, and things as now by law are exercised by probate judges, under and by virtue of the provisions of chapter thirty-nine of the Revised Statutes of 1843. And said judge, appointed by virtue of this act, shall continue in office until the return of said Aquilla Rogers, probate judge aforesaid. And if said Rogers should not return previous to the expiration of his present term of service, then the said judge so as aforesaid appointed, shall continue in office until the expiration of the present term of service of said Rogers, judge as aforesaid, and until his successor is elected and qualified; and the said judge shall receive for his services the same compensation per diem that the said Rogers was receiving and would be entitled to receive during the residue of his present term of service.

SEC. 2. This act to be in force from and after its passage and publication in the Indiana State Journal and Sentinel; and it shall be the duty of the Secretary of State to transmit a certified copy of this act to the clerk of the probate court of said county of Monroe within ten days after the filing of the same in his office.

CHAPTER CCCXXXI.

An Act to revive an act, entitled "An act to locate a State road from Point Commerce, in Greene county, to the feeder dam on Eel river, in Clay county," approved 20th January, 1846.

[APPROVED DECEMBER 30, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That an act, entitled "An act to locate a State road from Point Commerce, in Greene county, to the feeder dam on Eel river, in Clay county," approved January 20, 1846, be, and the same is hereby revived, and shall be made to take effect from and after the passage of this act.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCCXXXII.

An Act to authorize the suing out a writ of ad quod damnum in a certain case therein named.

[APPROVED JANUARY 27, 1847.]

WHEREAS, William Martin, Delevan Martin, and Alphonzo Martin, have erected a dam upon the waters of Pigeon river, upon the south part of the southwest quarter of section number thirty, in township number thirty-eight north, of range number ten east, in Lagrange county, Indiana: AND WHEREAS, Said William Martin, Delevan Martin, and Alphonzo Martin sued out and prosecuted to a final adjudication in the Lagrange circuit court a writ of ad quod damnum, by which adjudication they were authorized to erect said dam in the manner, and to the extent, and upon the terms in said adjudication set forth: AND WHEREAS, The said dam is higher than the said adjudication, and the said William, Delevan, and Alphonzo Martin have been harrassed with suits at law by reason thereof as is alleged: AND WHEREAS, The continuance of said dam appears to be necessary for the public convenience: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the said William Martin, Delevan Martin, and Alphonzo Martin, or any one of them, are hereby authorized to sue out of the proper court a second writ of ad quod damnum against

all or any of the parties interested in respect of the erection of said dam, and the same to prosecute to a final adjudication, in the manner required by the act regulating writs of ad quod damnum, in a like manner as if no writ of ad quod damnum had been sued out in the premises.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCCXXXIII.

An Act providing compensation to supervisors of roads and highways in Rush county.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That an act, entitled "An act providing compensation to supervisors of roads and highways," approved January 10, 1845, be, and the same is hereby declared to be in full force in Rush county.

SEC. 2. That all laws conflicting with the provisions of this act be, and the same are hereby repealed.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CCCXXXIV.

An Act for the relief of Daniel Dayhuff.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Treasurer of State be, and he is hereby authorized and directed to pay to Daniel Dayhuff, of the county of Orange, the sum of ninety-seven dollars and eighteen cents, out of any money belonging to the Saline Fund not otherwise appropriated. This act to take effect and be in force from and after its passage.

CHAPTER CCCXXXV.

An Act to provide for the opening of a State Road in the counties of Dearborn and Ripley.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That David A. Brooks of Dearborn county, and Joshua Brown of Ripley county, be and they are hereby appointed commissioners to open the State road laid out in pursuance of the provisions of an act entitled "An act to locate a State road in Dearborn and Ripley counties," approved December 31st, 1846.

SEC. 2. It shall be lawful for the commissioners named in the preceding section, and they are hereby authorized to receive subscriptions, payable in money, labor, or other effects, and to enforce the payment of all sums that may have been or may hereafter be subscribed for the opening of said road, and to expend the same in such manner as in their opinion will best promote the object contemplated by the subscribers.

SEC. 3. It shall be lawful for all persons owing labor or road tax in either of said counties of Ripley and Dearborn to work out the same under the direction of either of said commissioners named in the first section of this act, and the receipt of either of said commissioners shall be received by the county treasurers of the counties of Dearborn and Ripley in the same manner as supervisors of roads receipts are received in payment of road tax.

SEC. 4. The said commissioners shall, before they enter upon the duties of their office, take an oath before some justice of the peace or other persons authorized to administer oaths, faithfully to discharge the duties required of them in this act; and it is further made the duty of said commissioners in the counties of Dearborn and Ripley [to make] a detailed report of their doings, and the county commissioners shall make to them a reasonable compensation for their services, the same to be paid out of any money in their hands belonging to said roads.

SEC. 5. It shall not be lawful for any supervisor of road districts through whose district said road runs to require any person to work on said road contrary to their wishes.

SEC. 6. This act to be in force from and after its passage for the term of three years.

CHAPTER CCCXXXVI.

An Act to incorporate the Evangelical Lutheran St. Paul's Church in Indianapolis.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Ludewig Meier, Christian Buckhorn, Charles Hegerhorst, Ferdinand Smith, George Smith, Gottlieb Kellermeier, and Charles Yobbe, and their successors in office are hereby constituted a body politic and corporate, and shall be known by the name and style of the "Trustees of the Evangelical Lutheran St. Paul's Church," and by said corporate name may sue and be sued, plead and be impleaded, in any court in this State, and by that name have perpetual succession, and be capable of purchasing, holding, bargaining, and selling any property either real or personal, for the use of said church, both by legal and equitable title, not to exceed in value thirty thousand dollars.

SEC. 2. The said trustees and their successors shall be empowered to receive any and all subscriptions, gifts, grants, donations, and bequests, which shall be applied solely to the use and benefit of such church in the manner the trustees thereof may deem most proper and expedient.

SEC. 3. It shall be lawful for such trustees to hold meetings at such places and at such times as it may be deemed by them necessary and their business may require; sit on their own adjournments or the call of the proper officers or a majority of such trustees, and to elect and appoint their officers, and establish such rules and by-laws for their government from time to time as a majority may determine: *Provided, however*, That such rules and by-laws shall not be incompatible with the laws or constitution of the United States or of the State of Indiana.

SEC. 4. It shall be lawful for the members of the Evangelical Lutheran St. Paul's church to perpetuate the board of trustees hereby appointed, by annual appointment, or by any other mode they may deem proper; and also to fill all vacancies which may at any time occur in said board.

SEC. 5. It shall be the duty of said board of trustees to keep a record of their proceedings, which shall be at all times open to the inspection of all persons concerned.

SEC. 5. This act to take effect and be in force from and after its passage.

CHAPTER CCCXXXVII.

An Act to amend an act to provide for the construction of a railroad from Martinsville, in Morgan county, to Franklin, in Johnson county.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the act to provide for the construction of a railroad from Martinsville, in Morgan county, to Franklin, in Johnson county, be and the same is hereby so amended as to allow the following additional commissioners to the number named in section three, to-wit: John Vawter, of Jennings county, Austin Shipp and Jeremiah Woodruff, of the county of Johnson, Reuben Griffitt and James A. Coplin, of the county of Morgan; the said commissioners shall have the same powers, and be under the same restrictions, as is provided in said act, for the government of the commissioners in the same.

SEC. 2. And said board of commissioners, or a majority of them, who may be in attendance at any called meeting, shall have power to make Morgantown a point on said contemplated railroad; and the said commissioners are hereby further authorized to cause the said railroad to intersect the Madison and Indianapolis railroad at Edinburgh, or any other point between that and Franklin, in Johnson county; and it shall be the duty of the commissioners in making said point or points, to take into consideration the probable costs of constructing said railroad on the various routes and points proposed, as well as the amount likely to be subscribed and taken as stock at or on said proposed routes and points for the completion of said railroad.

SEC. 3. The capital stock of said corporation shall be extended to two hundred thousand dollars: *Provided*, Said amount shall be required to complete said railroad, and the necessary implements to carry on the same; but in no case shall said amount exceed two hundred thousand dollars.

SEC. 4. All acts or parts of acts coming within the purview of this act be and the same are hereby repealed.

SEC. 5. This act to take effect and be in force from and after its passage.

CHAPTER CCCXXXVIII.

An Act authorizing the citizens of Carroll county to construct a side cut canal at the town of Delphi.

[APPROVED JANUARY 23, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the citizens of Carroll county be and they are hereby authorized and empowered to construct a side cut canal, either around on the east side of said town or through the west part of the same; said side cut to commence at the most suitable point on the canal north of said town, and to run thence on the most suitable ground into the side cut heretofore made by the Delphi Forwarding and Storage Company, and into the canal above the lock opposite said town, or into Deer Creek above the dam at a point where the same is navigable for boats; and said citizens shall have power to make the necessary tow-paths and bridges, so as to connect it with the main line of the canal, for the purposes of navigation; said side cut canal when made to be a part of the Wabash and Erie canal.

SEC. 2. *Be it further enacted*, That Enoch Rinehart, or in case of his death or refusal to serve, then such person as a majority of those who subscribe to said work may appoint, be constituted and made agent with full power and authority to superintend the construction of said side cut, contract for the making of the same, collect all such sums as have been or may hereafter be subscribed, to aid in its construction, by suit or otherwise.

SEC. 3. So soon as a sufficient sum is subscribed to make said side cut on either of the proposed routes, the agent named in the second section of this act shall notify the commissioner or person or persons having charge of the Wabash and Erie canal, of the same, who shall upon such notification, without unnecessary delay, make a survey of the several proposed routes and an estimate of the cost of each, and shall locate said side cut on the most advantageous route for the interest of the State: *Provided*, That in case there is a sufficient amount subscribed to make the side cut on one of the proposed routes and not enough on the others, then he shall locate it on the route for which a sufficient amount is subscribed, and he shall make the necessary estimate of the depth and width of said side cut and lay the work off ready for contracting for the construction of the same; the said report to be made to said agent.

SEC. 4. All suits brought by the agent named in the second section of this act shall be in the name of said agent as agent for the construction of the Delphi side cut canal, and in all suits against subscribers for the construction of said work, evidence that any party or parties to such suit subscribed his or their name or names

to the subscription to aid in making said side cut, or authorized the same to be done, shall be sufficient to authorize any court of competent jurisdiction to enter judgment against such party or parties in an action of debt for the amount of his or their subscription.

SEC. 5. The said agent shall have power to take relinquishments from owners of real estate, through which said side cut may pass, of the right of way, which shall be full authority to pass such side cut through such owner's land.

SEC. 6. All damages done in constructing said side cut shall be assessed in the same manner as damages are now assessed on the Wabash and Erie canal; the damages to be paid by those who subscribe for the construction of said side cut.

SEC. 7. This act to take effect and be in force from and after its passage.

CHAPTER CCCXXXIX.

An Act for the relief of the prosecuting attorney of the fourth judicial circuit.

[APPROVED JANUARY 23, 1847.]

WHEREAS, The regular prosecuting attorney of the fourth judicial circuit died, in March last, and the vacancy not having been filled by the Governor, Lemuel Q. DeBruler was appointed by the circuit court to prosecute in the counties of Vanderburgh, Warrick, Perry, Crawford, Dubois, and Pike, in said circuit, at the opening term, in each of said counties, in behalf of the State. Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the auditor of public accounts be, and he is hereby authorized to issue a warrant upon the Treasurer of State, in favor of said DeBruler for the sum of twenty-six dollars, for his services aforesaid; and that the said treasurer pay the same out of the fund in said treasury for the payment of regular prosecuting attorneys.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCCXL.

An Act extending the provisions of the fiftieth chapter of part third of the Revised Statutes of 1843 to Hancock county.

[APPROVED JANUARY 23, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board of commissioners of Hancock county, Indiana, shall convene on the second Monday in January, 1847, and select one panel of petit jurors, to serve as such at the next February term of the circuit court of said county; and said commissioners shall in all things be governed by chapter fifty, part third, of the Revised Laws of 1843, in selecting said jurors.

SEC. 2. That immediately after said panel is so selected, the clerk of said circuit court shall issue a venire for said jury, which shall be immediately served on said jurors, requiring them to serve at the February term of said court, which venire shall be served and returned on or before the first day of the next term of said court.

SEC. 3. The provisions of chapter fifty, part third, of the Revised Statutes of 1843, shall be and the same is extended to the county of Hancock; and all laws and parts of laws providing any other or different mode of selecting petit jurors for said circuit court than above provided, are hereby repealed.

SEC. 4. This act to take effect and be in force from and after its passage; and the same shall be published in the Indiana Journal.

CHAPTER CCCXLI.

An Act to amend an act approved January 19, 1846.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of section four of the act incorporating the White river navigation company, is hereby amended so as to allow the directors of said company, at their option, to call at least twenty per cent. of each share of stock subscribed in one year.

SEC. 2. That so much of section nineteen is hereby amended so as to read after the words "five hundred dollars," "or be imprisoned in the penitentiary for any term of time not less than one year."

SEC. 3. This act to take effect from and after its passage.

CHAPTER CCCXLII.

An Act to amend an act entitled "An act to enable the township of Lawrenceburgh, in Dearborn county, to turnpike all the roads within the same," approved January 20, 1846.

[APPROVED JANUARY 14, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be lawful for the trustees of the township aforesaid to purchase from the Lawrenceburgh and Napoleon Turnpike Company, so much of the road belonging to said company as lies within said township.

SEC. 2. In payment therefor, said trustees may issue bonds of said township, to be signed by said trustees, payable at such times and for such amount as may be agreed upon, but in sums not less than one hundred dollars, and bearing interest at such rate as may be agreed upon, not exceeding six per cent. per annum.

SEC. 3. For the payment of said bonds and interest thereon, said trustees may appropriate such portions of the taxes of said township as may from time to time be necessary; and any pledge made of the same, for the purpose aforesaid, shall be binding on their successors, until the object intended is accomplished.

SEC. 4. For the purpose of more speedily effecting the objects of this act and the act to which this is an amendment, it shall be lawful for said trustees, by resolutions of their board, to order the levy of an additional road tax upon the property of said township, not exceeding in amount that now authorized by law; and on such order being presented to the county auditor, he shall assess and enter said tax on his duplicate for said township, and the same shall be collected by the treasurer of said county, and paid over to the township treasurer in the same manner as now provided for the regular road tax of said township; and the powers in this section conferred may be exercised by said board of trustees until, and no longer than, the roads in said township shall be permanently improved as contemplated in the act aforesaid, and the debt aforesaid shall be paid: *Provided, however,* That this section shall not be in force until the same shall have been adopted by a majority of the voters of said township, expressed at any regular township election.

SEC. 5. It shall be lawful for the trustees of the township of Manchester, in said county of Dearborn, to purchase from the said turnpike company, that part of their said road which lies within said township, and to pay for the same in like manner; and for the purpose aforesaid, all the powers conferred by this act and the act to which this is an amendment, upon the trustees of Lawrenceburgh township, shall be and is hereby conferred on the board of trustees of said Manchester township.

SEC. 6. That the foregoing section shall not be in force in said Manchester township, until the same shall have been adopted by a majority of the votes of said township, upon a vote thereon taken at said township election.

SEC. 7. This act shall be in force from and after its publication in either of the newspapers published in the county of Dearborn.

CHAPTER CCCXLIII.

An Act for the relief of David Burr.

[APPROVED JANUARY 14, 1847.]

WHEREAS, David Burr, a citizen of this State, to secure debts due to him where nothing else of value could be obtained, mostly in 1842, and of the estate of Valerius Armitage, became possessed of eight hundred and ten acres, and forty-eight hundredths of an acre, of Wabash and Erie canal lands, at a cost to him of more than eight hundred dollars, the greater part of which was received on a dividend paying seventy cents to the dollar, by which transaction he became unwillingly a debtor to the State of Indiana, for about the sum of fifteen hundred dollars, the balance due on said lands, at a time to him of utter inability to pay such balance; and further, WHEREAS, There has been paid on said lands to the State of Indiana, the sum of about eight hundred and sixty dollars, and the State not being willing to take so large an amount from one of its citizens for nothing; or any amount whatever from any of its citizens, without an equivalent consideration therefor. Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be lawful for David Burr of the county of Jackson, at any time between the first of January and the first of October, eighteen hundred and forty-seven, to surrender to the State of Indiana any one or more of his canal certificates in payment in full of such tract or tracts of said lands as he may wish to pay out and retain; and the officer having charge of the canal land office at Peru, when application for that purpose shall be made, shall apply all such sums as have been paid on the surrendered certificates to the liquidation of the amount due on the tract or tracts which the said Burr shall pay out in full, in an equitable manner, so that payments made on the surrendered certificates shall be applied in the same way as if such payments made on the surrendered certificates had been made on the certificates for the tract or tracts of the legal subdivisions of the lands on which he shall make final payment, and dis-

charge in full the amount due to the State; and the officer aforesaid, when payment in full shall have been made, on any of the tracts of canal lands aforesaid, by the surrender of the canal certificates, or by payment of money, or by the certificates and part money, shall grant to the said Burr final certificates for the tracts so paid, and the proper officer make to him patents therefor.

SEC. 2. It shall be the duty of the superintendent of the Wabash and Erie canal to designate which lands shall be so paid out by the certificate relinquished by said Burr.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CCCXLIV.

An Act relating to a settlement made by the Agent of State with Leonard, Woodburn and others.

[APPROVED JANUARY 25, 1847.]

WHEREAS, In 1840, the late fund commissioner sold to the Newburyport Bank, thirty Indiana State bonds, receiving in payment therefor \$26,400 of the bills of said Newburyport Bank, which bills he shortly after sold to William Hendricks, John Woodburn, George W. Leonard, and V. & J. King, under a contract that they should return to him thirty of said State bonds for the same. AND WHEREAS, Afterwards, upon a settlement with the Agent of the State, they having returned only a part of said bonds, he refused to accept the balance in bonds, and required them to pay the balance found to be due on account of said \$26,400, being \$14,000, in money, and for that sum they executed to the State their several notes on which there is yet due about nine thousand dollars. AND WHEREAS, The whole of said amount was a total loss to said parties and would have been *all* lost to the State but for the above sale. Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the said William Hendricks, John Woodburn, George W. Leonard, and Victor and John King, shall have the privilege of discharging and paying off their indebtedness aforesaid to the State of Indiana, together with all interest due thereon, in the bonds of said State, and the Agent of State is hereby authorized and directed to receive of and from the persons aforesaid, the bonds of the State for the balance due to the State as aforesaid, with all interest thereon, in full satisfaction and discharge of the above named indebtedness.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCCXLV.

An Act for the relief of the purchasers of seminary lands in Monroe and Gibson counties.

[APPROVED JANUARY 14, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the commissioner or commissioners of the reserved townships of seminary lands in Monroe and Gibson counties be, and they are hereby authorized to receive of any person or persons, (whether original purchasers or assignees thereof,) the interest due and unpaid upon any residue of the purchase money for any tract or tracts of land in said townships, which may have become forfeited for the non-payment of interest thereon, and upon the payment of said interest on the residue of the original purchase money, with interest on said interest at the same rate now fixed by law, or which may hereafter be fixed; to the commissioner or commissioners aforesaid, all the rights and privileges in and to said tract or tracts of land, shall be vested in the original purchaser or assignee in the same manner and way as if no such forfeiture had occurred: *Provided, however*, That the said interest with interest thereon be paid within six months after the same may have become forfeited: *And provided further*, That all forfeitures which may have occurred shall be reinstated by the payment of interest as is herein provided, on or before the first day of June, 1847.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCCXLVI.

An act to authorize the Commissioners of the Sinking Fund to make a settlement with Horace B. Smith.

[APPROVED JANUARY 23, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Commissioners of the Sinking Fund be and they are hereby authorized to make a settlement with Horace B. Smith, a purchaser of certain lands mortgaged to said fund in Fountain county, on such terms as said commissioners may deem just and equitable.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCCXLVII.

An Act in relation to travelling merchants or pedlers in the several counties therein named.

[APPROVED JANUARY 28, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the board doing county business in the counties of Dearborn, Laporte, Orange, Jefferson, Fayette, Union, Wayne, Delaware, Rush, Decatur, Henry, Cass, Floyd, Knox, Daviess, Martin, Fountain, Montgomery, Tippecanoe, Ripley, Switzerland, Ohio, Pike, Blackford, Jay, Posey, Randolph, Carroll, Allen, and Lawrence, shall, if they deem it expedient, assess to each travelling merchant or pedler for license to vend merchandise (not manufactured in this State) or foreign and domestic groceries, for one year, not less than ten nor more than fifty dollars.

SEC. 2. The said county boards, or the auditors of said counties in vacation, shall not grant license to travelling merchants or pedlers for a shorter time than one year.

SEC. 3. During the vacation of commissioners' courts, the county auditors of said counties are hereby authorized to grant license to travelling merchants or pedlers, on their filing with them the receipt of the treasurers of their respective counties for the amount which the county board may determine to assess to each travelling merchant or pedler for license.

SEC. 4. Every person who shall travel about the country vending merchandise, not manufactured in this State, or foreign and domestic groceries, wares, jewelry, drugs or medicines, without first procuring a license as above specified, shall be liable for each such offence to an action in the name of the county treasurer for the amount of such tax, before any justice of the peace, and if judgment be rendered for the plaintiff, damages shall likewise be awarded for double the amount of such tax; such damages shall be for the use of common schools of said counties.

SEC. 5. Persons who are actually *bona fide* citizens of said counties shall not be subjected to the provisions of this act.

SEC. 6. All laws and parts of laws coming in conflict with the provisions of this act are hereby repealed so far as the said counties in the first section mentioned are concerned.

SEC. 7. This act to be in force four weeks after its publication in the Indiana Journal, and State Sentinel, in said counties.

CHAPTER CCCXLVIII.

An Act regulating the granting of licenses in the county of Grant.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the board of county commissioners of the county of Grant are hereby authorized and required to grant licenses to keep taverns and groceries within said county to any person or persons applying therefor who shall present a petition to that effect, signed by a majority of free holders of the township in which such tavern or grocery is to be kept, any order of said board heretofore made to the contrary notwithstanding: *Provided,* That the person or persons applying for such license shall comply in all other respects with the provisions of the laws now in force on the subject of granting tavern and grocery licenses.

SEC. 2. All laws and parts of laws coming in conflict with the provisions of this act be and the same are hereby repealed.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CCCXLIX.

An Act to locate State roads in Lake and Porter counties.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That Solon Robinson and George Earl, of Lake, and Thomas J. Field, of Porter county, be and they are hereby appointed commissioners to view, mark, and locate a State road on the nearest and best ground, commencing at the bridge across Deep river, near Crown Point, in Lake county, and thence to Millen's old mill, on Deep river, and thence to Earl's mill, on said river, and thence on the nearest and best ground so as to intersect a State road from Liverpool to Michigan City: Also, to view, mark, and locate a State road on the nearest and best ground, commencing at or near the Salt creek bridge, on the north road from Valparaiso to Juliet, thence to Earl's mill, on Deep river, and thence to intersect the road from Liverpool to Chicago, in the direction of Chicago.

SEC. 2. It shall be the duty of said commissioners to meet at Earl's mill above mentioned, on the second Monday of April next, or some subsequent day, and after taking an oath or affirmation

faithfully to discharge the duties assigned them, shall proceed to the discharge of their duties under this law; and in case of the absence of either of said commissioners, from any cause, or if he shall refuse or neglect to qualify according to law, it shall be lawful for the other two to proceed as though he had not been named as one of the commissioners: *Provided*, If they shall meet on any other day than the above specified one, all of said commissioners shall have notice of such meeting.

SEC. 3. The commissioners aforesaid may, if they think it expedient, employ a surveyor and chain carriers to assist in locating said roads, and shall keep an account of the number of hands employed, and the time occupied in discharging their duties, a copy of which it shall be their duty to file in the clerk's offices of their respective counties, and the clerks shall lay the same before the boards doing county business at their next term.

SEC. 4. The boards doing county business in the counties of Porter and Lake shall, when the accounts of said commissioners are laid before them, make such order for the payment of the same as they shall deem just and reasonable, which amount shall be paid by such county in proportion to the distance of road in such county, out of the county treasury.

SEC. 5. This act shall be in force from and after its passage.

CHAPTER CCCL.

An Act to repeal an act entitled "An act providing for removing obstructions in Buck creek, in Henry county," approved January 15, 1844.

[APPROVED JANUARY 14, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the act entitled "An act providing for the removing of obstructions in Buck creek, in Henry county," approved January 15, 1844, be and the same is hereby repealed.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCCLI.

An Act granting to Thomas J. Goodman, senior, the privilege of supplying the city of Madison with water.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Thomas J. Godman, senior, be and he is hereby authorized to enter upon the Madison and Indianapolis railroad, first obtaining the consent of the railroad company, at any point below the depot situated at the head of the inclined plane of said railroad, at Madison, Indiana, and from such point lay down water pipes, (doing no permanent damage to said road or obstructing the free use thereof,) for the purpose of conveying to and supplying with wholesome water the city of Madison; and he is further authorized to enter upon any of the streets of said city of Madison, for the purpose of laying such pipes under and in pursuance of a contract entered into between him and said city of Madison; and the privilege hereby granted to said Thomas J. Godman, senior, shall extend to him, his heirs, and assigns, who shall have the right of charging such price for the use of such water as may be agreed on between the parties.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER CCCLII.

An Act to amend an act entitled "An act authorizing Joseph Quinn and James Norvell to erect toll bridges," approved January 13, 1845.

[APPROVED JANUARY 23, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the two years allowed to Joseph Quinn and James Norvell, in the act to which this is an amendment, to erect toll bridges over certain creeks therein named, approved January 13, 1845, be and the same is hereby extended one year from the expiration of the said two years: *Provided, however*, That nothing herein contained shall be so construed as to annul or affect any part of the act to which this is an amendment, or of an act declaratory of the act to which this is an amendment, approved January 19, 1846, except so far as this act conflicts with the same.

SEC. 2. This act to be in force and take effect from and after its passage

CHAPTER CCCLIII.

An Act to incorporate the Fort Wayne and Cambridge City Railroad Company.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That Larkin Thornburgh and Charles Burroughs, of the county of Wayne, Peter S. Miller, Miles Hunt, Philip Barger, and Thomas E. Harbour, of Randolph county, Anthony Pitman, George W. Whiteman, and James Ewing, of the county of Jay, John Sturdabaker and Levi Young, of the county of Wells, and William G. Ewing and Samuel Hanna, of the county of Allen, be and they are hereby constituted a body corporate and politic, to be known by the name and style of "The Fort Wayne and Cambridge City Railroad Company," with the right to raise a capital stock sufficient to complete a railroad from Fort Wayne, in Allen county, to Cambridge City, in the county of Wayne; and for the purposes contemplated in this section, the provisions of an act entitled "An act to incorporate the Milford and Columbus Railroad Company," approved January 20, 1846, be and the same is hereby extended to the persons named in this act.

SEC. 2. This act to take effect from and after its passage.

CHAPTER CCCLIV.

An Act for the relief of Ninian Hoskins, junior.

[APPROVED JANUARY 25, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the county board of the county of Crawford be and they are hereby authorized to strike from the tax duplicate the name of Ninian Hoskins, and the said Ninian Hoskins is hereby exempted from paying any State tax during the continuance of his blindness.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER CCCLV.

An Act empowering Rachael Blair, administratrix of the estate of Enos Blair, deceased, formerly sheriff and collector of Monroe county, to collect arrears of taxes.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That Rachael Blair, administratrix of the estate of Enos Blair, deceased, formerly sheriff and collector of Monroe county, be and she is hereby authorized and empowered to collect all arrears of taxes unpaid to said Blair at the time of his death, according to the laws in force at the time such taxes were originally payable.

SEC. 2. That it shall be the duty of any collector of said county of Monroe, or other counties in this State in which persons or their property may be found in arrear for said taxes, to collect the same according to said laws in force at the time they were so payable, upon having an extract from the proper duplicate, signed by the auditor of said county of Monroe, presented to such collector, containing the account of said taxes in the form in said duplicate.

SEC. 3. The receipt of said administratrix to any such tax payers or collectors for any such taxes paid or collected shall be a good discharge for the same.

SEC. 4. This act shall be in force from and after its passage.

CHAPTER CCCLVI.

An Act declaring a misprint in certain names therein mentioned.

[APPROVED DECEMBER 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the first section of an act entitled "An act to change a part of the State road from McDonald's ferry, in Clark county, to Brownstown, in Jackson county," approved January 19, 1846, be so amended that the name of "Nathaniel Rollins" shall read Nathaniel Robbins, and that the name of "William Parks" shall read William Parker; and that the name "Nathaniel Rollins" and the name "William Parks," in said act mentioned, be and the same are hereby declared misprints.

SEC. 2. This act to be in force from and after its publication in the "Indiana State Sentinel," and "Indiana Journal."

CHAPTER CCCLVII.

An Act in relation to county roads in the counties of Putnam and Jefferson.

[APPROVED JANUARY 23, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter it shall be the duty of the board of commissioners of the counties of Putnam and Jefferson, whenever they make an order for the opening of any county road, to cause the same to be opened to such width as the public convenience may require, entering the same on the record of said county: *Provided,* That said road shall not be less than twenty-five feet in width.

SEC. 2. If the owners or occupants of any land through which any county road heretofore established may pass, shall feel aggrieved in consequence of the width of the same, they may petition the board doing county business, setting forth that fact, which petition shall be signed by at least twelve freeholders of the township or townships through which said road may pass, four of whom, at least, shall be of the immediate neighborhood: Upon the presentation of such petition, if the board are of opinion that the amount of travel upon said road and the public convenience will admit, they shall have power to make such reduction as to them may seem reasonable, causing such alteration of the width of said road to be entered on the record of the county board: *Provided,* That said road shall not be reduced below the width of twenty-five feet.

SEC. 3. All acts and parts of acts coming within the purview of this act be and the same are hereby repealed, so far as the counties of Jefferson and Putnam are concerned.

SEC. 4. This act to be in force from and after its passage.

CHAPTER CCCLVIII.

An Act to locate a State road in Daviess, Martin, and Dubois counties.

[APPROVED JANUARY 23, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That James P. Gilley, of the county of Daviess, William B. Pine, of the county of Martin, and Abednego W. Inman, of the county of Dubois, be and they are hereby appointed commissioners to view, mark, and locate a State road, to commence at the junction of a State road running from Washington to Paoli with the State road from Portersville to Mount Pleasant, at or near James Alford's,

in Daviess county, and from thence to Pine's mill, in Martin county, from thence to intersect the State road running from Petersburg to Paoli, at the most convenient point in the direction to Paoli.

SEC. 2. The commissioners aforesaid, when they have discharged the duties assigned them by this act, shall make a report of the location of said road to the county auditors of the different counties in which the same may be located, whose duty it shall be to make a record of the same.

SEC. 3. The boards doing county business in the different counties in which said location may be made, shall cause the same to be opened and kept in repair as other State roads are, and shall make a reasonable compensation to said commissioners for the services rendered by them in their respective counties.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER CCCLIX.

An Act to vacate certain streets and lots in the town of New London, in the county of Daviess.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That so much of the town of New London as embraces within its limits lots numbered from one hundred and six to one hundred and thirteen inclusive, being eight in all, together with the streets and alleys separating such lots be, and the same are hereby vacated.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCCLX.

An act to amend an act entitled "An act to establish a free turnpike road in the county of Adams," approved January 13, 1845.

[APPROVED JANUARY 23, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the qualified voters of each township through which the above mentioned road passeth shall, at the next annual election in April, and annually thereafter, elect one qualified citizen of each township aforesaid to the office of supervisor of said turnpike.

SEC. 2. Said free turnpike supervisors so elected shall, before entering on the duties of his office, take an oath for the faithful performance of his duties as such, give bond, &c., as other supervisors are required to do in the county of Adams aforesaid.

SEC. 3. Said supervisors shall have all the powers, rights, and privileges, which the commissioners appointed under the act to which this is an amendment had or have, also the supervisors, shall be subject to the same laws, rules, regulations, and penalties to which the commissioners aforesaid have been or now are, and in every respect be their successors.

SEC. 4. The supervisors aforesaid shall receive the same pay, and in the same manner as other supervisors do in the county aforesaid.

SEC. 5. All laws and parts of laws coming within the purview of this act are hereby repealed.

SEC. 6. This act to take effect and be in force from and after its passage, and the Secretary of State is hereby directed to forward a copy of this act to the clerk of the circuit court of the county aforesaid.

CHAPTER CCCLXI.

An Act to amend an act entitled "An act to incorporate the city of New Albany, and to repeal all laws now in force incorporating the town of New Albany," approved February 14, 1839.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the line constituting the northern boundary of the city of New Albany shall continue up the centre of the channel of the creek called Falling Run, until it meets the dividing line of the second and third range of out-lots extending westwardly, thence along said extended line and the line dividing the second and third range of out-lots, and in that direction until it meets the line of Clark's grant, thence down the westwardly boundary of said Clark's grant towards the Ohio river, until it meets the northwest corner of the Whitehill tract, thence along the north line of said tract and in that direction until it meets the produced line of Jones' Clay turnpike road, and thence along the same to the Ohio river: *Provided, however*, That the city of New Albany shall have full and complete jurisdiction and control over the burying grounds now laid out or established or that may be hereafter laid out or established by the mayor and council of said city, and shall also for all police purposes have jurisdiction over the whole extent of territory named and described in the act to which this is an amendment.

SEC. 2. When any suit or action shall be instituted or commenced against any person or persons for a violation of the charter or any of the by-laws or ordinances of the city of New Albany, a *capias ad respondendum* shall be the first process issued against the defendant or defendants and the production of the by-laws or ordinances of said city, in print, shall be *prima facie* evidence of their due passage and publication, and that the same have been duly certified and recorded.

SEC. 3. The title of the officer called City Recorder is hereby changed to that of City Judge.

SEC. 4. Each and every person tried for a violation of the charter or by-laws or ordinances of said city, shall, if he, she, or they desire it, be tried by a jury, to be selected as juries are selected before justices of the peace.

SEC. 5. Each sworn officer of the city of New Albany may arrest on view or by virtue of a writ duly issued, any person or persons violating, or who may have violated in said city, any penal law of the State, or any penal ordinance of the city, and take him, her, or them, if arrested in the night time or on Sunday, to prison, to wait a trial the next day before the City Judge or some justice of the peace in said city, and any person or persons who shall be tried

and convicted under the provisions of this act, or the act to which this an amendment, or under any of the by-laws or ordinances of said city, may in addition, or in lieu of a fine, be imprisoned in the city prison at hard labor, any term of time not exceeding six months.

SEC. 6. That hereafter when any petition shall be presented to the mayor and council of said city, for the opening of any street or alley or any section thereof, such petition may be granted, and such street or alley opened at the discretion of the mayor and council, and at the expense of the property owners adjoining to such proposed street or alley, and the mayor and council may provide that the same shall be paid for by such owners in proportion to the convenience or benefit derived from such improvement, and may also provide for ascertaining the amount to be paid by each, and for the collection of the same. No person shall petition for the opening of any street, alley, or section thereof unless they are the owners of the land situated upon such contemplated street or alley, and two thirds of the resident owners of such property shall so petition before the same shall be granted.

SEC. 7. The mayor and council of said city may build and keep in repair any marine railway or other improvement in said city that will benefit the citizens thereof, and may levy and collect any sum or sums of money for using the same as to them shall seem right, and may also provide how the same shall be used and the manner [of] payments for the use thereof shall be enforced.

SEC. 8. Whenever, hereafter, any petition shall be presented to the mayor and council of said city for the improvement of any street, alley, or sidewalk therein, or any section thereof, the same may be granted and the improvement ordered to be done, at the discretion of the mayor and council, unless such petition shall pray for the grading of the streets and sidewalks, setting the curb stones and paving the gutters with stone and paving the sidewalks with brick.

SEC. 9. This act to take effect and be in force as soon as the same shall be published in a newspaper printed and published in the city of New Albany, said publication to be at the expense of said city and by order of the mayor and council thereof, and it is hereby made the duty of the Secretary of State to transmit a certified copy of this act to the mayor of said city.

CHAPTER CCCLXII.

An Act to amend an act entitled "An act to incorporate the Richmond Turnpike Company," approved January 15, 1844.

[APPROVED JANUARY 23, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the capital stock of the said Richmond Turnpike Company shall not be less than two thousand five hundred dollars, and all acts by said corporation done, under the said capital of two thousand five hundred dollars, be, and the same are hereby legalized.

SEC. 2. That the nineteenth section of the act to which this is an amendment be amended by inserting the words "and defraying necessary expenses of said corporation," after the word "repair," in the last line of said section nineteen.

SEC. 3. This act to take effect and be in force from and after its passage, and all laws and parts of laws contravening the provisions of this act be, and the same are hereby repealed.

CHAPTER CCCLXIII.

An Act to require a nolle prosequi in the Dubois circuit court.

[APPROVED DECEMBER 30, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the prosecuting attorney of the fourth judicial circuit be, and he is hereby authorized and required to enter a nolle prosequi on a certain indictment found at the August term of the Dubois circuit court, (1846,) and is now pending in said court against the county commissioners of said county, for failing to erect a county jail.

SEC. 2. The board doing county business in said county of Dubois shall erect or cause to be erected in said county a good and sufficient jail within four years from the passage of this act.

SEC. 3. All acts and parts of acts contravening the provisions of the second section of this act be, and the same are hereby repealed, and it is hereby made the duty of the Secretary of State to forward a certified copy of this act to the clerk of the Dubois circuit court.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER CCCLXIV.

An Act amending an act entitled "An act providing compensation to supervisors of roads and highways," approved January 10, 1845.

[APPROVED JANUARY 14, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the act entitled "An act to provide compensation to supervisors of roads and highways," approved January 10, 1845, be, and the same is hereby amended, so far as the same relates to the county of Daviess.

SEC. 2. That hereafter the county board of the county of Daviess may, in their discretion, in lieu of allowing supervisors compensation from the county treasury, exempt them personally from working on roads or serving as supervisors for any term of time not exceeding two years, immediately after they have served as such supervisors for one year.

SEC. 3. This act to take effect and be in force from and after its approval, and shall in all respects be considered a general act.

CHAPTER CCCLXV.

An Act to vacate a part of a certain State road in the county of Ripley.

[APPROVED JANUARY 14, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all of that part of the State road, authorized to be laid out and opened by virtue of the provisions of the forty-fourth section of an act entitled "An act concerning State roads," approved February 13, 1843, which lies between the town of Milan and the Riddlon school house, be, and the same is hereby vacated.

SEC. 2. This act to be in full force and effect from and after its passage.

CHAPTER CCCLXVI.

An Act to amend an act entitled "An act to incorporate the city of Richmond, Wayne county, Indiana," approved February 20, 1840.

[APPROVED JANUARY 14, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That every person who shall, by himself or agent, sell or barter, within the incorporated limits of the said city of Richmond, any spirituous liquors by a less quantity than a quart at a time, without having a license from the common council of said city, shall upon presentment or indictment in the Wayne circuit court, and on conviction thereof be fined in any sum not less than two nor more than twenty dollars.

SEC. 2. That when any person or persons shall be convicted by and before the mayor of said city or any other officer having jurisdiction, of a violation of any of the ordinances of said city, and judgment shall be rendered against such person or persons, he or they against whom such judgment shall be rendered, shall pay or replevy such judgment and costs of suit immediately; and in default thereof the said mayor or other officer shall commit such person or persons to the jail of the said county of Wayne, until the said judgment and costs are paid or replevied, or until the said person or persons are discharged from custody, in the same way and manner, and by the same authority as persons are discharged when committed by the circuit courts of this State for fines assessed by them, any law to the contrary notwithstanding.

SEC. 3. That nothing contained in the first section of this act shall be so construed as to deprive the mayor or other officer of said city of concurrent jurisdiction with the circuit court in all cases of retailing spirituous liquor within the limits of said city.

SEC. 4. That it shall be the duty of the mayor or other officer aforesaid of said city, to certify to the clerk of the said circuit court, on the first day of each term thereof, a list of the persons by him convicted for retailing spirituous liquors, within said city; and it shall be the duty of the said clerk to lay the same before the grand jury of said county.

SEC. 5. That this act shall be in force from and after its publication in the Indiana Journal; and all laws coming in conflict with the provisions of this law, be, and the same are hereby repealed.

CHAPTER CCCLXVII.

An Act to provide for the increase of the number of pilots at the falls of the Ohio river in this State.

[APPROVED JANUARY 8, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Governor be, and he is hereby authorized and required to appoint two skilfull and experienced persons, in addition to those heretofore appointed, to act as pilots at the falls of the Ohio river in this State.

SEC. 2. Before any person appointed as aforesaid shall be authorized to act as such pilot in conducting boats and other vessels over said falls, he shall in all respects comply with the second section of chapter eleven of the Revised Statutes of 1843, and he shall be subject to the provisions of the laws which are now or which may hereafter be in force in relation to pilots at said falls.

SEC. 3. Any person intending to make application to the Governor for an appointment hereafter as a pilot shall give notice of his intention to make such application by publishing a notice thereof in some newspaper of general circulation printed and published at the seat of government of this State, stating the time when such application will be made to the Governor, which notice shall be published at least fifteen days prior to the time when such application is intended to be made.

SEC. 4. This act to be in force from and after its passage.

CHAPTER CCCLXVIII.

An Act to change the name of Frances Ann Fisher.

[APPROVED JANUARY 14, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the name of Frances Ann Fisher, the adopted daughter of Brice Smith of the county of Lawrence, be, and the same is hereby changed to, and shall hereafter be, Frances Ann Smith, and by the said last mentioned name she shall hereafter be known, and be entitled to all the privileges she would be without the passage of this act.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCCLXIX.

An Act to repeal so much of a joint resolution establishing the per diem allowance of the probate judges of Tippecanoe and Greene counties, approved January 19, 1846, as relates to the county of Greene.

[APPROVED DECEMBER 30, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of a joint resolution establishing the per diem allowance of the probate judges of Tippecanoe and Greene counties, approved January 19, 1846, be, and the same is hereby repealed so far as the county of Greene is concerned.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCCLXX.

An Act to provide for the construction of a railroad to intersect the Shelbyville railroad.

[APPROVED JANUARY 28, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all the provisions of an act of the General Assembly of the State of Indiana entitled "An act to provide for the continuance of the construction of all or any part of the public works of this State by private companies, and for abolishing the board of internal improvements and office of fund commissioner and chief engineer," approved twenty-eighth of January, 1842, be, and the same are hereby extended to such persons as may associate themselves together for the purpose of constructing a railroad from Greenfield, in the county of Hancock, to such point in the contemplated railroad from Edinburgh to Shelbyville, as the directors of said company may designate.

SEC. 2. There shall be but seven directors for said company, any four of whom shall be competent to transact business of the association and said company shall be known as the "Greenfield Railroad Company."

SEC. 3. Said company shall in all things conform to the provisions of the aforesaid act, as far as the same is applicable. This act to be declared a public act, and shall take effect and be in force from and after its passage.

CHAPTER CCCLXXI.

An Act for the relief of Ellen Bigger, widow of Samuel Bigger, deceased.

[APPROVED JANUARY 23, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the sum of two hundred and fifty dollars be allowed and paid to Ellen Bigger, widow of Samuel Bigger, deceased, for his services in revising the laws of this State, and said sum, when paid, shall be in lieu of all further demands for said services.

SEC. 2. This act shall be in force from and after its passage.

CHAPTER CCCLXXII.

An Act to incorporate Anderson's Collegiate Institute.

[The Governor having retained this act beyond the constitutional period for returning the same, it became a law without his approval.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That John B. Anderson and his successors in office be, and they are hereby constituted a body corporate and politic in law, by the name and style of the Trustee of Anderson's Collegiate Institute, and by the said name and style shall have succession and exist forever.

SEC. 2. The said trustee shall have power to establish at or in the city of New Albany, county of Floyd, an institution for the education of young men; to appoint a secretary and treasurer, and such other officers as he may think necessary for the proper management of the institution; to assign their several duties, to limit their terms of office, and the same to remove at pleasure; to adopt such regulations not contrary to the constitution and laws of the United States nor to the constitution and laws of this State, as he may deem necessary; to establish in the institution colleges or departments for the instruction of the students thereof in any branch of polite, liberal or professional learning; to determine the course of studies therein, and the same to alter at pleasure.

SEC. 3. The said trustee shall be ex-officio president of the institution, and shall have power to appoint a vice president, professors and tutors, in any or all of the colleges or departments thereof, which president, vice president, and professors shall be known as the faculty of Anderson's Collegiate Institute, and as such shall have power to conduct the instruction and government of the institution, subject in all respects to such regulations as the trustee may establish; by and with the consent of the trustee to confer all such degrees in lib-

eral sciences and arts, as are ordinarily conferred by other colleges and universities of the United States, and to give diplomas or certificates of the same, subscribed by the members of the faculty, and authenticated by the common seal of the institution: *Provided*, That no such degrees be conferred upon any person who shall not have made such attainments in learning as are required by other colleges and universities; to make and use a common seal, and the same to alter or renew at pleasure. The said trustee shall be, and he is hereby made capable in law, by the name and style of the Trustee of Anderson's Collegiate Institute, to purchase, receive by donation, possess, sell, lease, or otherwise manage or dispose of any lands, tenements, or other hereditaments, not exceeding at any time one hundred thousand dollars, any moneys, notes, bonds, subscriptions, goods, chattels, devises, or other property, as he may at any time deem fit; to contract and be contracted with, to sue and be sued, to plead and be impleaded, in any court or courts, before any judge, judges, or justices within the State or elsewhere, in all manner of suits, complaints, pleas, causes, [and] demands, of whatever kind or manner they may be, and every other thing therein to do in as full and effectual a manner as any other body corporate or politic in the State may do.

SEC. 4. This act is hereby declared a public act, and shall be construed liberally for every beneficial purpose hereby intended, and no omission to use any of the privileges herein granted shall cause a forfeiture of the same, nor shall any gift, grant, conveyance, or devise, to or for the use of the institution be defeated or prejudiced on account of any misnomer or informality whatever; *Provided*, The intention of the parties be shown beyond a reasonable doubt.

SEC. 5. This act shall take effect and be in force from and after its passage.

CHAPTER CCCLXXIII.

An Act for the relief of Andrew W. Baker and Rosanna Baker, his wife, and Alamander Mendenhall.

[APPROVED JANUARY 23, 1847.]

WHEREAS, It has been represented to this General Assembly that Stephen Mendenhall, late of the county of Tippecanoe, in the State of Indiana, departed this life seized in fee simple of the following described tracts of land, to-wit: The east half of the south-west quarter of section four (4), in township twenty-four (24) north, of range four (4) west, situate in Tippecanoe county, Indiana; and also a part of the east half of the south-west quarter of section thirty-three (33), in township twenty-five (25) north, of range four (4) west, beginning at a stake forty rods west of the south-east corner of said lot; thence running north one hundred and sixty rods; thence west forty rods; thence south one hundred and sixty rods; thence east to the place of beginning, situate in White county, Indiana: And it is also represented that the said Stephen Mendenhall, who died intestate, left him surviving five children and heirs at law, among whom are Rosanna, a daughter, intermarried with one Andrew W. Baker, and Alamander Mendenhall; that the said Rosanna Baker and Alamander Mendenhall are within the age of twenty-one years, the said Rosanna being about twenty and the said Alamander about seventeen years of age: It has also been represented that the said heirs at law all reside in the State of Missouri, and are desirous of making sale of said several tracts of land; and inasmuch as the proceedings required in our courts to effect a sale of real estate vested in infants are attended with much delay and expense, and the proportion of said lands belonging to said infant heirs being of small value, as is represented, so as that such proceedings would absorb almost the worth of the interest of said infants, if resorted to in effecting such sale: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That Andrew W. Baker and Rosanna Baker, his wife, and Alamander Mendenhall, of the State of Missouri, heirs at law of Stephen Mendenhall, late of Tippecanoe county, Indiana, deceased, who died intestate, be and they are hereby authorized and empowered to make, seal, and deliver any deed or deeds of conveyance necessary to make a sure and perfect title in fee simple in and to the interest inherited by them from their father in the several tracts of land above in the preamble hereto described, and that such deed or deeds, when executed and authenticated in due form of law, shall be admitted to record in the proper recorder's office of the

counties where such lands lie, and shall constitute full evidence of the title in the grantee or grantees, and their heirs and assigns, the same as if executed by persons of full age.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCCLXXIV.

An Act to locate a State road in the counties of Whitley, Noble, and Kosciusko.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That Stephen Martin, junior, of the county of Whitley, John Blain, of the county of Noble, and George Daniels, of the county of Kosciusko, be and they are hereby appointed commissioners to view, mark, and locate a State road, commencing at the centre of the Milford and Fort Wayne State road, where it crosses the north line of Stephen Martin's land, in section two, in township thirty-two north, of range eight east, in the county of Whitley, thence in a northwardly direction on the county road running in that direction to the county line between Noble and Whitley counties, thence west on said county line as near as practicable to the north-west corner of Whitley county, thence in a westwardly direction on the nearest and best route to the town of Oswego, in the county of Kosciusko.

SEC. 2. The said commissioners, or a majority of them, shall meet at the house of Stephen Martin, junior, in Whitley county, on the second Monday of April next, or so soon thereafter as they or a majority of them may agree, and after taking an oath faithfully to discharge their duties as such commissioners, shall proceed to view, mark, and locate the said road, and shall be governed in all things by the laws now in force for laying out roads and highways.

SEC. 3. That an act entitled "An act to locate a State road in the counties of Whitley, Noble, and Kosciusko," approved January 19, 1846, be and the same is hereby repealed.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER CCCLXXV.

An Act to incorporate the Jefferson Industrial and Literary Institute.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That S. H. Wills, Nathaniel Hardy, James Collins, junior, Benjamin Hensley, senior, Nathaniel Field, Joseph Myric, C. E. Beynroth, William D. Stewart, William G. Armstrong, T. M. Elmer, and such other persons as they may associate with them as herein-after provided, be and are hereby created a body politic and corporate, by the name of "The Trustees of the Jefferson Industrial and Literary Institute," with power to establish an institution of learning and industry, in Jeffersonville or vicinity; to acquire a tract of land, with such other property, real, personal, or mixed, as may be necessary for the use of the institution aforesaid; and to hold and control the same; to represent such property by stock, and to regulate the transfer thereof; to establish a constitution for its organization and general government; to construct or otherwise provide the necessary buildings, implements, tools, and machines, and to procure libraries, cabinets, and apparatus; to appoint professors, teachers, superintendents, and agents, in the several departments of the institute; to fix the salary of the same, and provide for its payment; to fix upon the course of study to be pursued, and the branches of industry to be prosecuted; to determine the rates of tuition and the price of board; to confer degrees, as is common in other educational establishments and colleges; to establish a mercantile house for the uses of the institute; to have a common seal, and to alter the same at pleasure; to sue and be sued in all courts of competent jurisdiction; to fill all vacancies occurring in its own number; and to increase its number to twelve.

SEC. 2. This board of trustees shall meet and organize under this act within ninety days after the passage of the same; and the principal or president of the literary department shall, ex officio, be a member of the board; they shall also open the academical department of the institute during the year 1847.

SEC. 3. Any future legislature may amend or repeal this act: *Provided*, That such amendment or repeal shall not affect any rights previously acquired under its provisions, nor divert any of the property to any other purposes than those herein specified.

CHAPTER CCCLXXVI.

An Act authorizing the auditor of Henry county to sell a certain tract of land therein named.

[APPROVED DECEMBER 30, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the auditor of Henry county be and he is hereby authorized and directed to sell at private sale, for the best price he can procure, a tract of land in said county heretofore forfeited to the surplus revenue fund, viz: the west half of the north-west quarter of section ten, township seventeen, range ten east; and when sold to execute and deliver to the purchaser a deed of conveyance therefor, in the manner now prescribed by law.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER CCCLXXVII.

An Act to authorize Malon Waldren and Caleb Boots to maintain and keep up a mill dam in Grant county.

[APPROVED JANUARY 14, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Malon Waldren and Caleb Boots, of the county of Grant, and State of Indiana, be and they are hereby authorized to maintain and keep up a mill dam, in Grant county, across the Mississinewa river, at their mills, in said county: *Provided*, Said dam will not interfere with the free navigation of rafts, flat boats, and other water crafts, at a time when said river is properly navigable by means of high water.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CCCLXXVIII.

An Act to incorporate the Madison and Napoleon Turnpike Company.

[The Governor having retained this act beyond the constitutional period for returning it, it became a law without his approval.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That C. P. J. Arion, Shadrich Wilber, and John Steel, of the county of Jefferson, and Isaac Miles, M. C. Edwards, Stephen Andrews, and John Hunter of the county of Ripley, and their successors in office, duly appointed or elected under the authority of this act, are hereby constituted a body politic, and by the name and style of the Madison and Napoleon Turnpike Company shall be able and capable in law to sue and be sued, defend and be defended, and answer and be answered unto, in any and all courts of competent jurisdiction, and make and use a common seal, and the same to alter and amend at pleasure.

SEC. 2. Said company shall have power to construct a turnpike road on and along the Michigan road or upon any other route, from Madison, in Jefferson county, to Napoleon, in Ripley county, first having obtained the assent of the county commissioners of Jefferson county to construct the same through said county, and the assent of the county commissioners of Ripley county, to construct the same through Ripley county, and under such restrictions as the commissioners may impose at the time of making such grant.

SEC. 3. The corporation may construct said road by throwing up the earth so as to make a firm, dry, and good earth road, or they may McAdamize the same or cover it with stone, wood, or coal, as they may think best for the interest of the company and accommodation of the public. That in all cases where any person through whose land said road may run, shall refuse to relinquish the same, or where a contract between the parties cannot be made for the land or materials, it shall be lawful for the president and trustees to give notice to some justice of the peace in the county where such difficulty may occur, that such facts do exist, and such justice shall thereupon summon the owner of such land or materials to appear before him on a particular day, within ten days thereafter, and shall also cause to be summoned twelve disinterested persons, and cause them to come before him, who after being legally tried and sworn as jurors, faithfully and impartially to assess the damages, if any, shall proceed to hear the testimony, and view the land or materials, and after having taken into consideration the advantages as well as disadvantages the road may be to the same, report thereon in writing whether such person is entitled to damages or not, and if so, how much; which report shall be filed with such justice, who shall enter judgment thereon, unless for good cause shown, and in case either party show

good cause why judgment shall not be entered, the justice may grant a review of the same, either with or without costs: *Provided*, That either party may, at their option, appeal the same to the circuit court of the proper county, as in other cases; and such court shall appoint viewers as above directed, who may report to that or the succeeding term, in the discretion of the court, and the judgment of the circuit court shall be final between the parties. That the stockholders in this corporation shall be liable in a just ratio or proportion of their amount of stock held or subscribed, for all debts incurred or created during their said possession of said stock, and in case of sale or transfer of said stock from the original subscription, it shall not release the original subscriber in his just proportion from any debts incurred or created during his, her, or their possession of said stock.

SEC. 4. The capital stock of said company shall be five hundred thousand dollars, to be divided in shares of twenty-five dollars each share, and the owner of such stock shall have one vote for each share of stock he owns in said corporation, and shall elect any number of directors that the stockholders shall agree upon, at any election, not less than five nor more than nine.

SEC. 5. That said company shall have all the powers and be subject to all the limitations and restrictions that are in an act entitled "An act to incorporate the Michigan road company, south of Indianapolis," approved January 13, 1845, and all said act except the thirteenth section and the latter clause of the twenty-eighth section, and such part thereof as is inconsistent with this act, shall have all the force and effect of law with regard to said company, as if the same and each section thereof were herein and hereby re-enacted, and said company shall be governed by the provisions thereof in all particulars except as above mentioned.

SEC. 6. That the citizens of the counties through which the said road may be located, shall be allowed to pass through the gates on said road free of toll in their respective counties.

SEC. 7. This act may be repealed by the Legislature whenever its charter is forfeited. This act to take effect from and after its passage.

CHAPTER CCCLXXX.

An Act to change that part of the New Albany and Crawfordsville McAdamized road, which lies between Salem and New Albany, to a railroad, to be constructed by a private company.

[The Governor having retained this act beyond the constitutional period for returning it, it became a law without his approval.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That any association of persons which may be formed under and by virtue of the provisions of an act entitled "An act to provide for the continuance of the construction of all or any part of the public works of this State by private companies, and for abolishing the board of internal improvements, and the offices of fund commissioner and chief engineer," approved January 28, 1842, be, and they are hereby authorized to enter upon, have, hold, and possess all and singular, the rights of way, fixtures, water power, and other appendages and materials heretofore provided, located, and designated for the purpose of constructing that part of a McAdamized road from Jeffersonville to Crawfordsville, which lies between Salem and New Albany, under and by virtue of an act to amend an act entitled "An act to provide for a general system of internal improvements, approved January 27th, 1836," approved January 25th, 1838, and the railroad which in and by said acts was authorized to be continued from New Albany to Jeffersonville. And said company are hereby authorized to extend said road to White river, making Lawrenceport a point.

SEC. 2. *And be it further enacted*, That said company be, and it is hereby authorized to change that part of said road which lies between Salem and New Albany to a railroad, and that in the construction and completion thereof, said company shall be governed by the provisions of the act hereinbefore named, approved January 28, 1842, and have and possess all the rights, privileges and immunities granted by said act.

SEC. 3. That such association shall not by this act be authorized to issue any scrip, and the members of said association shall be liable in their individual capacity for the payment of all dues to laborers employed by them which shall not be paid in their corporate capacity when due.

SEC. 4. The General Assembly shall alter or amend this act whenever the public good may require it.

SEC. 5. The General Assembly hereby reserve the right to alter, amend, or repeal this act at any time for a violation of the provisions thereof.

SEC. 6. This act shall be in force and have effect from and after its passage.

CHAPTER CCCLXXX.

An Act for the relief of Alexander J. Line, of Wayne county.

[The Governor having retained this act beyond the constitutional period for returning it, it became a law without his approval.]

WHEREAS, It is represented to this General Assembly that on the third day of April, in the year eighteen hundred and forty-one, Alexander J. Line, together with Franklin B. Booker and James M. Baxter, executed his bond to the State of Indiana for the sum of four hundred dollars, the same being the amount of a loan then obtained from the surplus revenue fund, and which loan was divided between the parties to the bond as follows, to-wit: To the said Alexander J. Line, one hundred dollars; to the said Franklin B. Booker, one hundred dollars; and to the said James M. Baxter, two hundred dollars: AND WHEREAS, In the fall of eighteen hundred and forty-one said Baxter became wholly insolvent, and so continues up to this time; and about the same time said Booker divested himself of all his property subject to execution, and in the summer of eighteen hundred and forty-three removed to the State of Missouri, where he now lives: AND WHEREAS, On the sixth day of March, in the year eighteen hundred and forty-four, judgment was obtained on said bond in favor of the State for the sum of four hundred and eighty-six dollars and thirty-three cents, besides costs of suit, taxed at eleven dollars and seventeen cents, upon which execution was issued, and returned "No property found:" AND WHEREAS, The said Line has no property legally available by which said bond could be paid, and from poverty and ill health, having to support his family by his labor, will probably never be able to pay the whole of said bond, but would make an exertion to pay his portion, if he could be released from the balance: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the property of said Alexander J. Line, whether real or personal, upon his paying or securing to the auditor of Wayne county one fourth of said judgment, interest, and costs shall be discharged from any lien thereon created by said judgment; and that the property and effects of said Line which may hereafter be acquired by him shall be exempt from levy and execution at the suit of the State, by virtue of said judgment, or by virtue of any proceeding which may institute hereafter for the purpose of making said judgment: *Provided*, That the State may in any such proceedings make parties of all said joint obligors to said bond, reserving in this act all its rights against said Baxter and Booker.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CCCLXXXI.

An Act to adjust the water power now used by James S. Hogeland.

[The Governor having retained this act beyond the constitutional period for returning it, it became a law without his approval.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the superintendent of the Wabash and Erie canal be and he is hereby authorized and required to execute a lease to James S. Hogeland, of Tippecanoe county, for the use of water out of said canal, not exceeding one power, upon the same terms, conditions, specifications, and restrictions contained in leases heretofore granted by the State in said county, which lease shall authorize the said Hogeland, his heirs and assigns, to use the necessary water, not exceeding one power as aforesaid, in propelling his present machinery, or such other as he may erect hereafter: *Provided*, Said Hogeland shall at all times pay to the proper officer, for the amount of water by him used, the same rent as is now paid in said county: *And provided further*, That the State shall not be required to furnish a site for said water to be used, but the same to be at the expense of said lessee.

SEC. 2. It shall be the duty of the superintendent, or other person having charge of said canal, prior to granting the lease aforesaid, to gauge or measure the quantity of water required by said Hogeland, within the restriction aforesaid, which amount, when ascertained, shall be named in said lease.

SEC. 3. Said superintendent shall, as soon as practicable, ascertain the amount of water heretofore used by said Hogeland at his fulling mill, in Lafayette, and shall charge the same against him in proportion to the amount paid for water rent in said county, deducting what has heretofore been paid thereon; and should said Hogeland refuse to pay the balance thus charged against him within six months after the same shall have been demanded, in the same funds heretofore receivable for such rents, commonly called "Blue Dog," it shall be the duty of such superintendent to enforce the payment of the same in the proper circuit court.

SEC. 4. This act to be in force from and after its passage.

CHAPTER CCCLXXXII.

An Act for the improvement of highways in Bartholomew county.

[APPROVED JANUARY 8, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board of commissioners for Bartholomew county shall assess and levy as a road tax, ten cents on each one hundred dollars' worth of real estate in said county; said tax shall be assessed, collected, and expended, as is now provided by law.

SEC. 2. When the road tax and labor assessed on the inhabitants of any road district in said county shall be insufficient to keep the same in repair, it shall be the duty of the supervisor to make an additional assessment of labor, not exceeding two days, on each inhabitant liable to perform labor on highways.

SEC. 3. It shall be the duty of the board of commissioners of said county to fix the compensation of the supervisors of the several road districts in said county, and in fixing such compensation, it shall be fixed in proportion to the amount of labor done in the several districts.

SEC. 4. All acts and parts of acts contravening the provisions of this act be and the same are hereby repealed.

SEC. 5. This act to take effect and be in force from and after its passage.

CHAPTER CCCLXXXIII.

An Act to authorize the superintendent of the Wabash and Erie canal to pay such equitable claims as counties and individuals may have for surveying and locating the canal from Tippecanoe to Terre Haute.

[APPROVED JANUARY 25, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the superintendent of the Wabash and Erie canal to refund to such counties and individuals as have equitable claims for money advanced for the survey and location of said canal from Tippecanoe river to Terre Haute, out of the proceeds of said canal west of Tippecanoe.

SEC. 2. The superintendent shall, before the allowance of such claims, have evidence that shall satisfy him that the claims for money are just, and were a necessary expenditure for the State, and when so satisfied, he shall pay to the claimants the amount due, in canal scrip issued on account of the canal west of Tippecanoe river.

SEC. 3. This act to take effect and be in force from and after its passage.

JOINT RESOLUTIONS

PASSED AT THE THIRTY-FIRST SESSION OF THE GENERAL
ASSEMBLY OF THE STATE OF INDIANA.

CHAPTER I.

A Joint Resolution legalizing the acts of Benjamin A. Allison, administrator of the estate of Amasa Jocelin, late of Owen county, deceased.

[APPROVED JANUARY 26, 1847.]

WHEREAS, Amasa Jocelin, late of Owen county, deceased, did in his lifetime purpose and intend the erection of a dwelling house, on his farm, near Spencer, in said county, to which object he had made preparatory arrangements, in part, to carry out said purpose and intention: AND WHEREAS, Benjamin A. Allison, administrator of the estate of said Jocelin did, at the request of all the parties concerned, carry out the original purpose and intention of said Jocelin, by erecting a dwelling on the premises above specified, paying for the same out of the funds belonging to said estate: AND WHEREAS, Doubts are found to exist as to the legality of the proceedings of the administrator in the premises before mentioned: Therefore,

Be it resolved by the General Assembly of the State of Indiana, That the proceedings of Benjamin A. Allison, administrator of the estate of said Amasa Jocelin, late of Owen county, deceased, in the erection of a dwelling house on the farm belonging to the estate of said Amasa Jocelin, deceased, near the town of Spencer, Owen county, be and the same are hereby legalized; and it is hereby made the duty of the probate judge of Owen county to make settlement with said administrator accordingly.

This joint resolution shall be in force from and after its passage and publication in the "State Sentinel."

CHAPTER II.

A Joint Resolution to suspend a part of a certain act therein named.

[APPROVED JANUARY 27, 1847.]

Be it resolved by the General Assembly of the State of Indiana, That the operations of the second section of an act entitled "An act to vacate certain alleys in the town of Bloomington," which passed at the present session of the Legislature, be suspended until the first day of January, 1848.

This resolution to take effect and be in force from and after its passage.

CHAPTER III.

A Joint Resolution in relation to furnishing a copy of the lands selected by the State for the completion of the Wabash and Erie canal.

[APPROVED JANUARY 14, 1847.]

SECTION I. *Be it resolved by the General Assembly of the State of Indiana,* That Frederick E. Goodsell the commissioner heretofore appointed to select the lands donated by the general government to this State for the completion of the Wabash and Erie canal, be respectfully requested to furnish to the county auditor of each of the counties in the Vincennes land district a copy of the lands selected by said commissioner for the construction of said canal, which said copy shall contain a description of each tract of land; said copy to be placed in a conspicuous and safe place in said auditor's office, for the use of the citizens of said county and the public generally; and that the commissioner be allowed a reasonable compensation, not exceeding seventy-five dollars, for said services, in the same way and manner as was allowed for similar services by the General Assembly.

SEC. 2. That the said sum allowed by the first section of this joint resolution shall be refunded to the State, with six per centum interest, out of the first proceeds arising from the first sales of the lands granted by Congress for the completion of said canal from Terre Haute to Evansville.

CHAPTER IV.

A Joint Resolution to authorize the making of estimates for the completion of the New State Prison, and other buildings.

[APPROVED JANUARY 21, 1847.]

WHEREAS, At the present session of the General Assembly an act was passed entitled "An act to provide for a settlement with the superintendent of the State Prison," appointing John Elder, Lucian Barbour, and E. J. Peck commissioners, to proceed to Jeffersonville and make estimates of the work done on the new State Prison, with a view of settling the accounts between the State and Joseph R. Pratt, the late superintendent: AND WHEREAS, It is highly expedient that said new prison and its appurtenances be completed as speedily as practicable: Therefore,

Be it resolved by the General Assembly of the State of Indiana, That it shall be the duty of said commissioners to examine particularly such parts of said work as may be unfinished, and ascertain from examination what buildings and work shops, if any, are yet necessary or expedient to be erected for the utility and advantage of said prison, and the safe keeping of the convicts; and shall make out full, fair, and complete estimates of the prices usually charged in cash for such work, and also for the construction of a keeper's and warden's house, upon the plan contained in the drafts for the same at the time the drafts for said prison were submitted, or such other plan as they may recommend, and make such full report of the same to the Governor or General Assembly if practicable, before the final adjournment of the present session.

Be it further resolved, That should the said commissioners, or any or either of them, from any cause whatever, fail, refuse, or neglect to perform the duties required by this joint resolution, it shall be the duty of the Governor to appoint some suitable person or persons to fill such vacancy or vacancies for the purpose of making and completing the estimates in the manner above described.

Be it further resolved, That the said commissioners shall be allowed three dollars per day for the time they may be employed under the provisions of this joint resolution.

STATE OF INDIANA, SECRETARY'S OFFICE, SS:

I, JOHN H. THOMPSON, Secretary of State for the State aforesaid certify that I have compared the foregoing printed with the enrolled acts and joint resolutions from which they were taken, on file in my office, and have found them correctly printed. A few words, designated [thus], were inserted by me.

In Witness Whereof, I have hereunto set my hand and affixed the [SEAL.] seal of the State, at the city of Indianapolis, the third day of April, A. D. 1847.

JOHN H. THOMPSON,

Secretary of State.

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